

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14073

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Michael W. Naprstek and Dale C. Powers own a portion of the land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 29, Township 31 North, Range 6 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-14073.
2. Records on file in the Department show that John and Nancy Thomas own a portion of the land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 31 North, Range 6 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-14073.
3. Records on file in the Department show that Blanche Skokan owns a portion of the land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 29, Township 31 North, Range 6 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-14073.
4. Appropriation A-14073 has a priority date of March 3, 1976, and authorizes the use of water for irrigation of the 128.0 acres of land described below. The water may be diverted from Verdigre Creek at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and on the right bank of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 31 North, Range 6 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.83 cfs

Township 31 North, Range 6 West of the 6 th P.M. in Knox County	Acres
Section 29: SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
TOTAL	128.0

5. On June 5, 2013, John and Nancy Thomas filed relinquishment REL-4730, relinquishing the right to divert water under a portion of appropriation A-14073 to irrigate the 10.4 acres of land described below.

<u>Township 31 North, Range 6 West of the 6th P.M. in Knox County</u>		<u>Acres</u>
Section 29:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.4

6. On July 8, 2013, Dale C. Powers and Michael W. Naprstek filed relinquishment REL-4759, relinquishing the right to divert water under a portion of appropriation A-14073 to irrigate the 98.2 acres of land described below.

<u>Township 31 North, Range 6 West of the 6th P.M. in Knox County</u>		<u>Acres</u>
Section 29:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.6</u>
	TOTAL	98.2

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14073 at the rate of 1.55 cfs for use upon the land described below is CANCELLED.

<u>Township 31 North, Range 6 West of the 6th P.M. in Knox County</u>		<u>Acres</u>
Section 29:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	7.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	22.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	22.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33.6</u>
	TOTAL	108.6

2. Appropriation A-14073 now authorizes the appropriator to divert water from Verdigre Creek to irrigate the 19.4 acres of land described below and depicted on map number 18563 which is made a part of this Order. The points of diversion remain in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 31 North, Range 6 West of the 6th P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.28 cfs (126 gallons per minute) from all points of diversion.

Township 31 North, Range 6 West of the 6 th P.M. in Knox County		Acres
Section 29:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.8
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.4</u>
	TOTAL	19.4

3. All terms and conditions of appropriation A-14073 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
- A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

September 3, 2013


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18563 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18563 were mailed on September 3, 2013, to the following:

John and Nancy Thomas
88388 Highway 14
Verdigre, Nebraska 68783

Dale C. Powers and Michael W. Naprstek
P.O. Box 177
Plainview, Nebraska 68769

Blanche Skokan
506 6th Avenue
P.O. Box 172
Verdigre, Nebraska 68783