

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14544

CASE NUMBER 2013-41-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14544 is held by John R. Hawley and Charles D. Hawley.
2. Appropriation A-14544 with a priority date of November 9, 1976, authorizes the use of water for irrigation of the 115.1 acres of land described below. The water may be diverted from Rock Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8, Township 6 North, Range 14 East of the 6<sup>th</sup> P.M. in Nemaha County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.64 cfs.

<u>Township 6 North, Range 14 East of the</u>		
<u>6<sup>th</sup> P.M. in Nemaha County</u>		<u>Acres</u>
Section 8:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29.1
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>31.0</u>
	TOTAL	115.1

3. The Department has received information concerning the use of surface water appropriation A-14544 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.
4. On July 8, 2013, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-14544 had not been irrigated for at least five years:

<u>Township 6 North, Range 14 East of the</u>		
<u>6<sup>th</sup> P.M. in Nemaha County</u>		<u>Acres</u>
Section 8:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.7
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.6</u>
	TOTAL	19.1

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to John R. Hawley and Charles D. Hawley, 73016 638<sup>th</sup> Avenue, Auburn, Nebraska 68305.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-14544 at the rate of 0.27 cfs for use upon the land described below is CANCELLED.

<u>Township 6 North, Range 14 East of the</u>		<u>6<sup>th</sup> P.M. in Nemaha County</u>	<u>Acres</u>
Section 8:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		7.0
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		0.8
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		5.7
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		<u>5.6</u>
	TOTAL		19.1

2. Appropriation A-14544 now authorizes the appropriator to divert water from Rock Creek to irrigate the 96.0 acres of land described below and depicted on map number 18571 which is made a part of this Order. The point of diversion remains on the left bank of the stream in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 8, Township 6 North, Range 14 East of the 6<sup>th</sup> P.M. in Nemaha County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.37 cfs (615 gallons per minute).

<u>Township 6 North, Range 14 East of the</u>		<u>6<sup>th</sup> P.M. in Nemaha County</u>	<u>Acres</u>
Section 8:	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		22.1
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		35.6
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		12.9
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>		<u>25.4</u>
	TOTAL		96.0

3. All terms and conditions of appropriation A-14544 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 5, 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 18571 were provided to the Department's docket clerk and field office in Lincoln, Nebraska. Copies of this Order and map number 18571 were mailed on September 5, 2013, to the following:

John R. Hawley and Charles D. Hawley  
73016 638<sup>th</sup> Avenue  
Auburn, Nebraska 68305