STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15868

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Philip R. and David L. Pierce, Subject to Life Estate of Evelyn A. Pierce, owns land located in the SW¼ of Section 24, Township 30 North, Range 8 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-15868.

2. Records on file in the Department show that Lynn J. Pierce, Subject to Life Estate of Evelyn A. Pierce, owns land located in the S½SE¼ of Section 24, Township 30 North, Range 8 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-15868.

3. Records on file in the Department show that Sherry A. Land, Subject to Life Estate of Evelyn A. Pierce, owns land located in the N½NW¼ of Section 25, Township 30 North, Range 8 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-15868.

4. Records on file in the Department show that Evelyn A. Pierce owns land located in the NE¼ of Section 25, Township 30 North, Range 8 West of the 6th P.M. in Knox County appurtenant to surface water appropriation A-15868.

5. Appropriation A-15868 has a priority date of May 12, 1981, and authorizes the use of water for irrigation of the 141.0 acres of land described below. The water may be diverted from the Middle Branch of Verdigre Creek at points of diversion located on the left bank of the stream in the SE¼SW¼ of Section 24, NE¼NW¼ of Section 25, and on the right bank of the stream in the NE¼NE¼ of Section 25, all in Township 30 North, Range 8 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 2.02 cfs from all points of diversion.

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 24:	NW¼SW¼	2.0
	NE¼SW¼	29.0
	SW¼SW¼	25.0
	SE¼SW¼	16.0
	SE¼SE¼	21.0

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 25:	NW¼NW¼	6.0
	NE¼NW¼	17.0
	SW¼NE¼	11.0
	SE¼NE¼	14.0
	TOTAL	141.0

6. On March 22, 2012, Evelyn A. Pierce filed a partial relinquishment of water appropriation A-15868, REL-2296, relinquishing the right to divert water under a portion of appropriation A-15868 to irrigate the 25.0 acres of land described below.

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 25:	SW¼NE¼	11.0
	SE¼NE¼	14.0
	TOTAL	25.0

7. On March 22, 2012, Lynn J. Pierce and Evelyn A. Pierce filed a partial relinquishment of water appropriation A-15868, REL-2297, relinquishing the right to divert water under a portion of appropriation A-15868 to irrigate the 21.0 acres of land described below.

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 24:	SE¼SE¼	21.0

8. On April 2, 2012, Sherry A. Land and Evelyn A. Pierce filed a partial relinquishment of water appropriation A-15868, REL-2307, relinquishing the right to divert water under a portion of appropriation A-15868 to irrigate the 4.7 acres of land described below.

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 25:	NE¼NW¼	4.7

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-15868 at the rate of 0.72 cfs for use upon the land described below is CANCELLED.

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 24:	SE¼SE¼	21.0
Section 25:	NE¼NW¼	4.7
	SW¼NE¼	11.0
	SE¼NE¼	14.0
	TOTAL	50.7

2. Appropriation A-15868 now authorizes the appropriator to divert water from the Middle Branch of Verdigre Creek to irrigate the 90.3 acres of land described below and depicted on map number 18243 which is made a part of this Order. The water may be diverted from the Middle Branch of Verdigre Creek at points of diversion located on the left bank of the stream in the SE¼SW¼ of Section 24, and the NE¼NW¼ of Section 25, both in Township 30 North, Range 8 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 1.30 cfs (583 gallons per minute) from all points of diversion.

Township 30 North, Range 8 West of the 6th P.M. in Knox County		Acres
Section 24:	NW¼SW¼	2.0
	NE¼SW¼	29.0
	SW¼SW¼	25.0
	SE¼SW¼	16.0
Section 25:	NW¼NW¼	6.0
	NE¼NW¼	12.3
	TOTAL	90.3

3. All terms and conditions of appropriation A-15868 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 points 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

July 16, 2012

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 18243 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18243 were mailed on July 16, 2012, to the following:

Evelyn A. Pierce
51552 878 Road
Verdigre, Nebraska 68783

Lynn J. Pierce
835 Cornhusker Avenue
West Point, Nebraska 68788

Sherry A. Land
2518 Addison Avenue
Scottsbluff, Nebraska 69361

Philip R. Pierce & David L. Pierce
87746 516 Avenue
Verdigre, Nebraska 68783