

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-16943

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that Barbara Boelter owns land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox County appurtenant to surface water appropriation A-16943.
2. Records on file in the Department show that Philip and David Pierce own land located in the SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 30 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, both in Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox County appurtenant to surface water appropriation A-16943.
3. Appropriation A-16943 has a priority date of March 13, 1990, and authorizes the use of water for irrigation of the 229.8 acres of land described below. The water may be diverted from the Middle Branch of Verdigre Creek at a point of diversion located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 30 North, Range 7 West of the 6<sup>th</sup> 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 rate of 3.28 cfs.

Township 30 North, Range 7 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 30: NW $\frac{1}{4}$ NW $\frac{1}{4}$	13.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.4
SE $\frac{1}{4}$ SW $\frac{1}{4}$	34.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	23.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Section 31: NW $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
TOTAL	229.8

4. On July 18, 2012, Barbara Boelter filed in the Department a partial relinquishment of water appropriation A-16943, REL-2371, relinquishing the right to divert water under appropriation A-16943 to irrigate the 13.0 acres of land described below.

Township 30 North, Range 7 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 30: NW $\frac{1}{4}$ NW $\frac{1}{4}$	13.0

5. On November 2, 2012, Philip R. and David L. Pierce filed in the Department a partial relinquishment of water appropriation A-16943, REL-2438, relinquishing the right to divert water under appropriation A-16943 to irrigate the 7.9 acres of land described below.

<u>Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 30:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.1
Section 31:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.8</u>
	TOTAL	7.9

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-16943 at the rate of 0.30 cfs for use upon the land described below is CANCELLED.

<u>Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 30:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	13.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.1
Section 31:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.8</u>
	TOTAL	20.9

2. Appropriation A-16943 now authorizes the appropriator to divert water from the Middle Branch of Verdigre Creek to irrigate the 208.9 acres of land described below and depicted on map number 18274 which is made a part of this Order. The point of diversion remains in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.98 cfs (1,337 gallons per minute).

<u>Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 30:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.9
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Section 31:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>12.2</u>
	TOTAL	208.9

3. All terms and conditions of appropriation A-16943 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

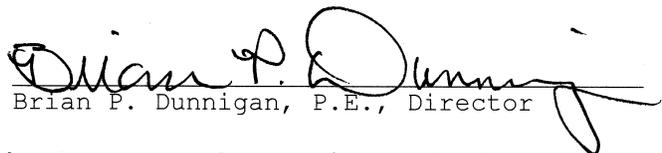
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

November 29, 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 18274 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18274 were mailed on November 29, 2012, to the following:

Barbara Boelter  
 910 West Avenue  
 Gibbon, Nebraska 68840

Barry Hemmerling  
 5640 South 84<sup>th</sup> Suite 100  
 Lincoln, Nebraska 68516

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