

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18248

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18248 is held by Arlen L. Lierman.
2. Appropriation A-18248 has a priority date of June 17, 2004, and authorizes the use of water for irrigation of the 38.5 acres of land described below. The water may be diverted from the Elkhorn River at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 22 North, Range 5 East of the 6th P.M. in Cuming 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 0.55 cfs from all points of diversion.

| Township 22 North, Range 5 East of the 6 th P.M. in Cuming County | | Acres |
|---|-----------------------------------|-------------|
| Section 2: | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 12.0 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 9.0 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>17.5</u> |
| | TOTAL | 38.5 |

3. On October 16, 2012, Arlen L. Lierman filed partial relinquishment of water appropriation A-18248, REL-2430, relinquishing the right to divert water under appropriation A-18248 to irrigate the 15.4 acres of land described below.

| Township 22 North, Range 5 East of the 6 th P.M. in Cuming County | | Acres |
|---|-----------------------------------|------------|
| Section 2: | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 12.0 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | <u>3.4</u> |
| | TOTAL | 15.4 |

4. On October 29, 2012, Arlen L. Lierman filed map number 18339 depicting the 23.1 acres of land remaining under appropriation A-18248 not subject to REL-2430.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18248 at the rate of 0.22 cfs for use upon the land described below is CANCELLED.

| <u>Township 22 North, Range 5 East of the 6th P.M. in Cuming County</u> | | <u>Acres</u> |
|--|-----------------------------------|--------------|
| Section 2: | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 12.0 |
| | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | <u>3.4</u> |
| | TOTAL | 15.4 |

2. Appropriation A-18248 now authorizes the appropriator to divert water from the Elkhorn River to irrigate the 23.1 acres of land described below and depicted on map number 18339 which is made a part of this Order. The points of diversion remain in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 22 North, Range 5 East of the 6th P.M. in Cuming County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.33 cfs (148 gallons per minute) from all points of diversion.

| <u>Township 22 North, Range 5 East of the 6th P.M. in Cuming County</u> | | <u>Acres</u> |
|--|-----------------------------------|--------------|
| Section 2: | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.6 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>17.5</u> |
| | TOTAL | 23.1 |

3. All terms and conditions of appropriation A-18248 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

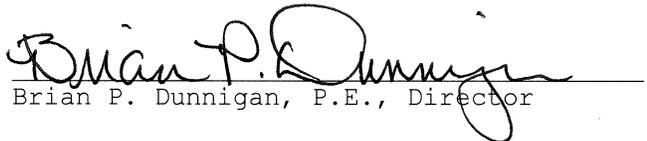
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

June 28, 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 18339 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18339 were mailed on June 28, 2013, to the following:

Arlen L. Lierman
P.O. Box 242
Beemer, Nebraska 68716