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STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18652

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18652 is held by Jerome and Jerilee Fuchtman.

2. Appropriation A-18652, with a priority date of March 27, 2009, authorizes the use of water for irrigation of the 392.0 acres of land described below. The water may be diverted from Verdigre Creek at a point of diversion located on the right bank of the stream in the NW¼SW¼ of Section 25, Township 30 North, Range 7 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 rate of 5.6 cfs.

Township 30 North, Range 6 West of the 6th P.M. in Knox County		Acres
Section 31:	NW¼NW¼	38.3
	SW¼NW¼	13.9
	NW¼SW¼	10.5

Township 30 North, Range 7 West of the 6th P.M. in Knox County		Acres
Section 25:	NW¼SW¼	5.0
	NE¼SW¼	0.3
	SW¼SW¼	4.1
	NW¼SE¼	11.0
	NE¼SE¼	2.5
	SW¼SE¼	19.7
	SE¼SE¼	3.6

Township 30 North, Range 7 West of the 6th P.M. in Knox County		Acres
Section 36	NW¼NE¼	40.0
	NE¼NE¼	22.3
	SW¼NE¼	40.1
	SE¼NE¼	39.5
	NW¼SE¼	40.0
	NE¼SE¼	39.5
	SW¼SE¼	23.2
	SE¼SE¼	38.5
	TOTAL	392.0

3. The approval of appropriation A-18652 was conditional upon the irrigation of the above lands by September 1, 2012.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18652 had not been irrigated by September 1, 2012.

5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18652 at the rate of 0.30 cfs for use upon the land described below is CANCELLED.

Township 30 North, Range 6 West of the 6th P.M. in Knox County		Acres
Section 31:	NW¼NW¼	2.7
	SW¼NW¼	0.9

Township 30 North, Range 7 West of the 6th P.M. in Knox County		Acres
Section 36	NE¼NE¼	3.1
	NW¼SE¼	4.5
	SW¼SE¼	4.8
	SE¼SE¼	5.3
	TOTAL	21.3

2. Appropriation A-18652 now permits the appropriator to divert water from Verdigre Creek to irrigate the 369.6 acres of land described below and depicted on map number 18539 which is made a part of this Order. The point of diversion remains on the right bank of the stream in the NW¼SW¼ of Section 25, Township 30 North, Range 7 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 rate of 5.30 cfs (2,379 gallons per minute).

Township 30 North, Range 6 West of the 6th P.M. in Knox County		Acres
Section 31:	NW¼NW¼	35.6
	SW¼NW¼	13.0
	NW¼SW¼	10.5

Township 30 North, Range 7 West of the 6th P.M. in Knox County		Acres
Section 25:	NW¼SW¼	5.0
	NE¼SW¼	0.3
	SW¼SW¼	4.1
	NW¼SE¼	11.0
	NE¼SE¼	2.5
	SW¼SE¼	19.7
	SE¼SE¼	3.6

Township 30 North, Range 7 West of the 6th P.M. in Knox County		Acres
Section 36	NW¼NE¼	40.0
	NE¼NE¼	19.2
	SW¼NE¼	40.1
	SE¼NE¼	39.5
	NW¼SE¼	35.5
	NE¼SE¼	39.5
	SW¼SE¼	18.4
	SE¼SE¼	33.2
	TOTAL	370.7

3. All terms and conditions of appropriation A-18652 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, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

October 8, 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 18539 were provided to the Department's field office in Ord, Nebraska. Copies of the field investigation, this Order and map number 18539 were mailed on October 8, 2013, to the following:

Jerome and Jerilee Fuchtman
87664 522nd Avenue
Winnetoon, Nebraska 68789