STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18672

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18672 is held by Joseph R. Wubben.

2. Appropriation A-18672, with a priority date of July 13, 2009, authorizes the use of water for irrigation of the 319.2 acres of land described below. The water may be diverted from a tributary to Second Bow Creek at a point of diversion located in the SE¼SW¼ of Section 6, Township 32 North, Range 2 East of the 6th P.M. in Cedar 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 4.56 cfs.

Township 32 North, Range 2 East of the 6th P.M. in Cedar County		Acres
Section 6:	NW¼NE¼	39.7
	NE¼NE¼	42.3
	SW¼NE¼	34.1
	SE¼NE¼	39.8
	SE¼SW¼	33.9
	NW¼SE¼	33.5
	NE¼SE¼	40.2
	SW¼SE¼	31.4
	SE¼SE¼	24.3
	TOTAL	319.2

3. The approval of appropriation A-18672 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-18672 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-18672 at the rate of 0.84 cfs for use upon the land described below is CANCELLED.

Township 32 North, Range 2 East of the 6th P.M. in Cedar County		Acres
Section 6:	NW¼NE¼	5.0
	NE¼NE¼	6.2
	SW¼NE¼	0.2
	SE¼NE¼	0.2
	SE¼SW¼	4.1
	NW¼SE¼	7.1
	NE¼SE¼	6.9
	SW¼SE¼	4.5
	SE¼SE¼	24.3
	TOTAL	58.5

2. Appropriation A-18672 now permits the appropriator to divert water from a tributary to Second Bow Creek to irrigate the 260.7 acres of land described below and depicted on map number 18510 which is made a part of this Order. The point of diversion remains in the SE¼SW¼ of Section 6, Township 32 North, Range 2 East of the 6th P.M. in Cedar County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 3.72 cfs (1670 gallons per minute).

Township 32 North, Range 2 East of the 6th P.M. in Cedar County		Acres
Section 6:	NW¼NE¼	34.7
	NE¼NE¼	36.1
	SW¼NE¼	33.9
	SE¼NE¼	39.6
	SE¼SW¼	29.8
	NW¼SE¼	26.4
	NE¼SE¼	33.3
	SW¼SE¼	26.9
	TOTAL	260.7

3. All terms and conditions of appropriation A-18672 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

May 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 maps number 18510 were provided to the Department's field office in Norfolk, Nebraska. Copies of the field investigation report, this Order and map number 18510 were mailed on May 28, 2013, to the following:

Joseph Wubben
56491 893rd Road
Saint Helena, Nebraska 68774