

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-2242

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2242 is held by Jeffrey A. and Carolyn J. McManigal.
2. Appropriation A-2242 has a priority date of October 1, 1931, and authorizes the use of water for irrigation of the 72.0 acres of land described below. The water may be diverted from Bazile Creek at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 31 North, Range 5 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 1.03 cfs.

Township 31 North, Range 5 West of the
6th P.M. in Knox County Acres

Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	38.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>25.0</u>
TOTAL	72.0

3. On June 28, 2012, Jeffrey A. and Carolyn J. McManigal filed a partial relinquishment of water appropriation A-2242, REL-2363, relinquishing the right to divert water under appropriation A-2242 to irrigate the 47.6 acres of land described below.

Township 31 North, Range 5 West of the
6th P.M. in Knox County Acres

Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.1
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>25.0</u>
TOTAL	47.6

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-2242 at the rate of 0.68 cfs for use upon the land described below is CANCELLED.

Township 31 North, Range 5 West of the 6 th P.M. in Knox County		Acres
Section 27:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>25.0</u>
	TOTAL	47.6

2. Appropriation A-2242 now authorizes the appropriator to divert water from Bazile Creek to irrigate the 24.4 acres of land described below and depicted on map number 18213 which is made a part of this Order. The point of diversion remains in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 31 North, Range 5 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 0.35 cfs (157 gallons per minute).

Township 31 North, Range 5 West of the 6 th P.M. in Knox County		Acres
Section 27:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>18.4</u>
	TOTAL	24.4

3. All terms and conditions of appropriation A-2242 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

July 27, 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 18213 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18213 were mailed on July 27, 2012, to the following:

Jeffrey A. and Carolyn J. McManigal
88347 531 Avenue
Center, Nebraska 68724