

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13979

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10 and the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 11, both in Township 9 North, Range 12 East of the 6<sup>th</sup> P.M. appurtenant to appropriation A-13979 is owned by Stanley Emshoff.
2. The Department has received information that Sallie L. Emshoff, wife of Stanley Emshoff, may have a spousal interest in the land described above appurtenant to appropriation A-13979.
3. Records on file in the Department show that land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 11, Township 9 North, Range 12 East of the 6<sup>th</sup> P.M. appurtenant to appropriation A-13979 is owned by John L. Terpsma and Karen K. Knobel.
4. The Department has received information that Steve Knobel, husband of Karen Knobel, may have a spousal interest in the land described above appurtenant to appropriation A-13979.
5. Appropriation A-13979 has a priority date of January 30, 1976, and authorizes the use of water for irrigation of the 231 acres of land described below. The water may be diverted from Flood Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, Township 9 North, Range 12 East of the 6<sup>th</sup> P.M. in Otoe 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 3.30 cfs.

Township 9 North, Range 12 East of the 6 <sup>th</sup> P.M. in Otoe County		Acres
Section 10:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37</u>
	TOTAL	231

6. On August 5, 2014, Stanley and Sallie Emshoff filed relinquishment REL-5125, relinquishing the right to divert water under a portion of appropriation A-13979 to irrigate the 120 acres of land described below.

Township 9 North, Range 12 East of the 6 <sup>th</sup> P.M. in Otoe County		Acres
Section 10:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>40</u>
	TOTAL	120

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-13979 at the rate of 1.71 cfs for use upon the land described below is CANCELLED.

Township 9 North, Range 12 East of the 6 <sup>th</sup> P.M. in Otoe County		Acres
Section 10:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>40</u>
	TOTAL	120

2. Appropriation A-13979 now authorizes the appropriator to divert water from Flood Creek to irrigate the 111 acres of land described below and depicted on Attachment A which is made a part of this Order. The point of diversion remains on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, Township 9 North, Range 12 East of the 6<sup>th</sup> P.M. in Otoe County, as depicted on Attachment A. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.59 cfs (714 gallons per minute).

Township 9 North, Range 12 East of the 6 <sup>th</sup> P.M. in Otoe County		Acres
Section 11:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37</u>
	TOTAL	111

3. All terms and conditions of appropriation A-13979 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

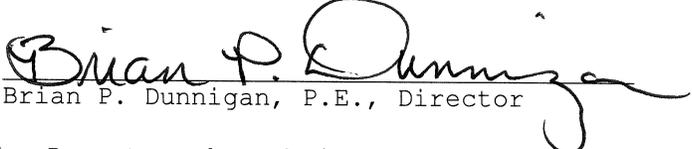
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

September 11, 2014

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and Attachment A were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and Attachment A were mailed on September 11, 2014, to the following:

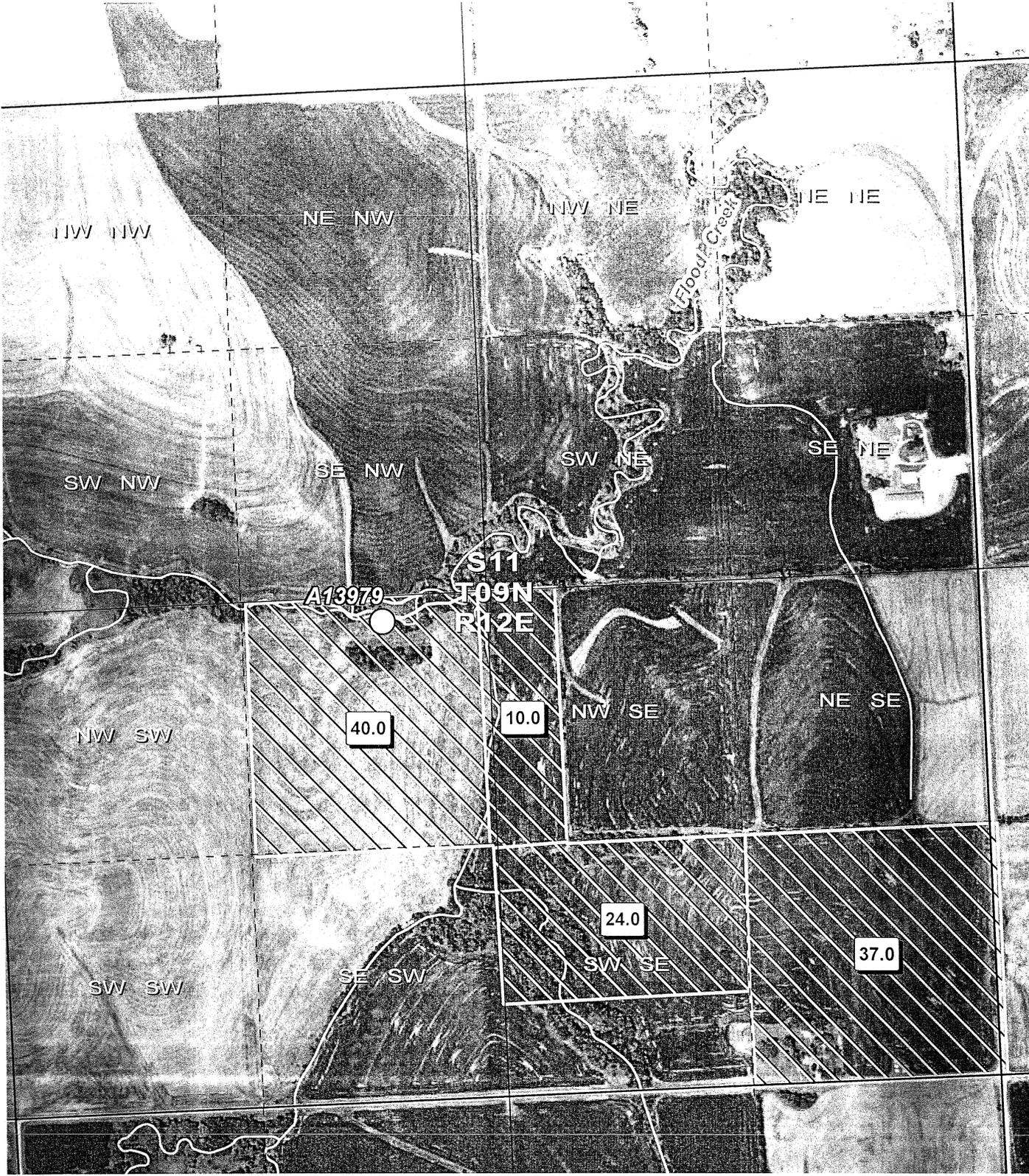
Stanley Emshoff  
1468 North 38<sup>th</sup> Road  
Avoca, Nebraska 68307

Karen Knobel  
4700 South 98<sup>th</sup> Street  
Lincoln, Nebraska 68526

Sallie L. Emshoff  
1468 North 38<sup>th</sup> Road  
Avoca, Nebraska 68307

Steve Knobel  
4700 South 98<sup>th</sup> Street  
Lincoln, Nebraska 68526

John L. Terpsma  
7614 Phares Drive  
Lincoln, Nebraska 68516



2012 aerial photography

# Attachment A



○ Point Of Diversion

**Draft Map - Department Use Only**



Date: 8/19/2014

