

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-8427

WATER DIVISION 1-D

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8427 is held by Albert L. and Patty A. Simacek, Trustees.
2. Appropriation A-8427 has a priority date of March 16, 1956, and authorizes the use of water for irrigation of the 101.4 acres of land described below. The water may be diverted from Turkey Creek at points of diversion located on both banks of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 7 North, Range 2 West of the 6th P.M. in Fillmore County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.73 cfs from all points of diversion.

<u>Township 7 North, Range 2 West of the</u>		
<u>6th P.M. in Fillmore County</u>		<u>Acres</u>
Section 20:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>36.6</u>
	TOTAL	101.4

3. Appropriation A-18367 provides additional water to land approved for irrigation under appropriation A-8427.
4. Albert L. and Patty A. Simacek, Trustees, filed a partial relinquishment, REL-1944, relinquishing the right to divert water under appropriation A-8427 to irrigate the 4.1 acres of land described below.

<u>Township 7 North, Range 2 West of the</u>		
<u>6th P.M. in Fillmore County</u>		<u>Acres</u>
Section 20:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.1

Additional Information

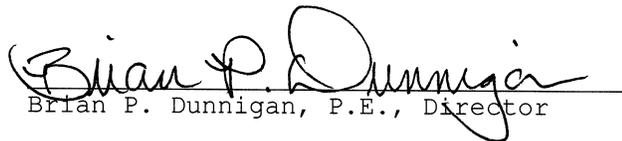
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

September 1, 2010


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 17680 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 17680 were mailed on September 1, 2010, to the following:

Albert L. and Patty A. Simacek, Trustees
1608 Road H
Fairmont, NE 68354