

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12572

AND DISMISSAL OF CASE NUMBER 2013-42-CC-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12572 is held by Daniel H. and Sherril I. Repenning.
2. Appropriation A-12572 has a priority date of March 31, 1972, and authorizes the use of water for irrigation of the 167.0 acres of land described below. The water may be diverted from tributary to Little Bazile Creek at points of diversion located on both banks of the stream in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, Township 30 North, Range 4 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 combined rate of 2.39 cfs from all points of diversion.

Township 30 North, Range 4 West of the 6 th P.M. in Knox County	Acres
Section 28: SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$	29.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.0
TOTAL	167.0

3. On February 11, 2014, Daniel H. and Sherril I. Repenning filed in the Department relinquishment REL-4936, relinquishing the right to divert water under a portion of appropriation A-12572 to irrigate the 75.4 acres of land described below.

Township 30 North, Range 4 West of the 6 th P.M. in Knox County	Acres
Section 28: SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	7.6
TOTAL	75.4

4. On March 3, 2014, Daniel H. and Sherril I. Repenning filed the Stipulation with Respect to Relinquishment REL-4936 in which the Department agrees to withdraw from case number 2013-42-CC-1 and act on relinquishment REL-4936 cancelling **only** 75.4 of the 167.0 acres of land appurtenant to appropriation A-12572.

ORDER

IT IS HEREBY ORDERED:

1. Case number 2013-42-CC-1 is DISMISSED.
2. Part of appropriation A-12572 at the rate of 1.08 cfs for use upon the land described below is CANCELLED.

<u>Township 30 North, Range 4 West of the</u>		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 28:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
Section 29:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>7.6</u>
	TOTAL	75.4

3. Appropriation A-12752 now authorizes the appropriator to divert water from a tributary to Little Bazile Creek to irrigate the 91.6 acres of land described below and depicted on map number 18576 which is made a part of this Order. The points of diversion remain in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, Township 30 North, Range 4 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 combined rate of 1.31 cfs (588 gallons per minute) from all points of diversion.

<u>Township 30 North, Range 4 West of the</u>		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 29:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.2
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	31.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>33.0</u>
	TOTAL	91.6

4. All terms and conditions of appropriation A-12572 remain in effect unless specifically changed by this Order.
5. 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

March 14, 2014


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 18576 were provided to the Department's docket clerk and field office in Ord, Nebraska. Copies of this Order and map number 18576 were mailed on March 14, 2014, to the following:

Daniel H. and Sherril I. Repenning
209 West Benton Street
Bloomfield, Nebraska 68718