STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-4633A

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4633A is held by Robb and Lori Samuelson.

2. Appropriation A-4633 A has a priority date of April 5, 1950, and authorizes the use of water for irrigation of the 68.5 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at points of diversion located in the SE¼SW¼ of Section 18, and in the NW¼NW¼ of Section 19, both in Township 8 North, Range 8 West of the 6th P.M. in Clay County. The rate that water may be diverted shall not exceed 0.49 cubic foot per second (cfs) from all points of diversion.

Township 8 North, Range 8 West of the 6th P.M. in Clay County		Acres
Section 18:	NW¼SW¼	22.0
	NE¼SW¼	13.0
	SW¼SW¼	25.0
	SE¼SW¼	7.0
Section 19:	NE¼NW¼	1.5
	TOTAL	68.5

3. The Department has received information concerning the use of surface water appropriation A-4633A that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On January 27, 2012, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-4633A had not been irrigated for at least five years:

Township 8 North, Range 8 West of the 6th P.M. in Clay County		Acres
Section 18:	NW¼SW¼	5.6
	NE¼SW¼	0.8
	SW¼SW¼	6.4
Section 19:	NE¼NW¼	1.5
	TOTAL	14.3

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Robb and Lori Samuelson, 32240 Road A, Trumbull, Nebraska 68980.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-4633A at the rate of 0.10 cfs for use upon the land described below is CANCELLED.

Township 8 North, Range 8 West of the 6th P.M. in Clay County		Acres
Section 18:	NW¼SW¼	5.6
	NE¼SW¼	0.8
	SW¼SW¼	6.4
Section 19:	NE¼NW¼	1.5
	TOTAL	14.3

2. Appropriation A-4633A now authorizes the appropriators to divert water from the West Fork of the Big Blue River to irrigate the 54.2 acres of land described below and depicted on map number 18070 which is made a part of this Order. The points of diversion remain in the in the SE¼SW¼ of Section 18, and in the NW¼NW¼ of Section 19, both in Township 8 North, Range 8 West of the 6th P.M. in Clay County. The rate that water may be diverted shall not exceed one cfs for every 140 acres irrigated at a maximum combined rate of 0.39 cfs (175 gallons per minute) from all points of diversion.

Township 8 North, Range 8 West of the 6th P.M. in Clay County		Acres
Section 18:	NW¼SW¼	16.4
	NE¼SW¼	12.2
	SW¼SW¼	18.6
	SE¼SW¼	7.0
	TOTAL	54.2

3. All terms and conditions of appropriation A-4633A 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

March 21, 2012

Brian P. Dunnigan

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 18070 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18070 were mailed on March 21, 2012, to the following:

Robb and Lori Samuelson
32240 Road A
Trumbull, NE 68980