

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-9825A

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of the land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County appurtenant to appropriation A-9825A is owned by Amsberry Farms, Inc.
2. Records on file in the Department show that a portion of the land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County appurtenant to appropriation A-9825A is owned by Reed Farm, Inc.
3. Records on file in the Department show that a portion of the land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 15, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County appurtenant to appropriation A-9825A is owned by Keith W. and Marilyn V. Hogg.
4. Records on file in the Department show that a portion of the land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 15, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County appurtenant to appropriation A-9825A is owned by and Lyle O. and Janice Lovitt.
5. Appropriation A-9825A has a priority date of May 23, 1960, and authorizes the use of water for irrigation of the 40.0 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer 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 0.57 cfs.

Township 15 North, Range 18 West of the 6 <sup>th</sup> P.M. in Custer County		Acres
Section 15:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>25.0</u>
	TOTAL	40.0

6. On November 13, 2013, Gail and Tara Reed, on behalf of Reed Farm, Inc., filed relinquishment REL-4864, relinquishing the right to divert water under a portion of appropriation A-9825A to irrigate the 6.6 acres of land described below.

<u>Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County</u>	<u>Acres</u>
Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.6

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-9825A at the rate of 0.09 cfs for use upon the land described below is CANCELLED.

<u>Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County</u>	<u>Acres</u>
Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.6

2. Appropriation A-9825A now authorizes the appropriators to divert water from Mud (Beaver) Creek to irrigate the 33.4 acres of land described below and depicted on map number 18787 which is made a part of this Order. The point of diversion remains in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.48 cfs (215 gallons per minute).

<u>Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County</u>	<u>Acres</u>
Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.4
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>25.0</u>
TOTAL	33.4

3. All terms and conditions of appropriation A-9825A remain in effect unless specifically changed by this Order.
4. The appropriators 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

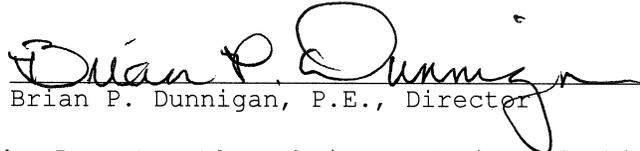
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution,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

January 24, 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 18787 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18787 were mailed on January 24, 2014, to the following:

Lyle O. and Janice L. Lovitt  
78961 Drive 453  
Ansley, Nebraska 68814

Keith W. and Marilyn Hogg  
79015 Drive 453  
Ansley, Nebraska 68814

Gail L. and Tara K. Reed  
Reed Farm, Inc.  
45320 Drive 789  
Ansley, Nebraska 68814

Rollie Amsberry  
Amsberry Farms  
P.O. Box 402  
Ansley, Nebraska 68814