

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-18788

AND APPROVAL OF MAP NUMBER 19457

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18788 is held by the Lower Big Blue Natural Resources District; Gary L. and Judy L. Carstens are the landowners.
2. Appropriation A-18788, with a priority date of June 2, 2011, authorizes the use of water for irrigation of the 83.8 acres of land described below. The water may be diverted from the Little Indian 15-A Reservoir (storage appropriation A-18781) at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 09, Township 05 North, Range 06 East of the 6th P.M. in Gage County. The total volume may not exceed 17.8 acre-feet per year.

<u>Township 05 North, Range 06 East of the</u>		
<u>6th P.M. in Gage County</u>		<u>Acres</u>
Section 09:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	33.8
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.9
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>11.5</u>
	TOTAL	83.8

3. The approval of appropriation A-18788 was conditional upon the irrigation of the above land by September 1, 2014.
4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-18788 had not been irrigated by September 1, 2014.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-18788 for use upon the land described below is CANCELLED.

<u>Township 05 North, Range 06 East of the</u>	
<u>6th P.M. in Gage County</u>	<u>Acres</u>
Section 09: NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.9
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.1</u>
TOTAL	37.2

2. Appropriation A-18788 now permits the appropriator to divert water from the Little Indian 15-A Reservoir (storage appropriation A-18781) to irrigate the 46.6 acres of land described below and depicted on map number 19457 which is made a part of this Order. The water may be diverted from the Little Indian 15-A Reservoir (storage appropriation A-18781) and the point of diversion remains in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 09, Township 05 North, Range 06 East of the 6th P.M. in Gage County, as depicted on map number 19457. The total volume may not exceed 17.8 acre-feet per year.

<u>Township 05 North, Range 06 East of the</u>	
<u>6th P.M. in Gage County</u>	<u>Acres</u>
Section 09: NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.2
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>11.4</u>
TOTAL	46.6

3. All terms and conditions of the approval of appropriation A-18788 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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.

DEPARTMENT OF NATURAL RESOURCES

February 22, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19457 were provided to the Department's field office in Lincoln, Nebraska. Copies of the field investigation, this Order and map number 19457 were mailed on February 22, 2016, to the following:

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Lower Big Blue Natural Resources District
P.O. Box 826
Beatrice, Nebraska 68310

Gary and Judy Carstens
2592 West Cherry Road
Pickrell, Nebraska 68422