

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-4765 FOR WATER APPROPRIATION A-12180

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12180 is held by Philip and Diana L. Wehrman.
2. Appropriation A-12180 has a priority date of March 9, 1971, and authorizes the use of water for irrigation of the 122.0 acres of land described below. The water may be diverted from Elk Creek at the points of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 3 North, Range 7 West of the 6th P.M. in Nuckolls 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 1.74 cfs from all points of diversion.

Township 3 North, Range 7 West of the 6 th P.M. in Nuckolls County		Acres
Section 21:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0
Section 22:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0
Section 28:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>8.0</u>
	TOTAL	122.0

3. On July 15, 2013, Philip and Diana L. Wehrman filed application EXT-4765 for a permit for an expedited transfer of the location of use for 76.0 of the 122.0 acres under surface water appropriation A-12180.

4. On July 15, 2013, Philip and Diana L. Wehrman filed REL-4766 relinquishing a portion of the water under appropriation A-12180, for use on the land described below.

Township 3 North, Range 7 West of the		
<u>6th P.M. in Nuckolls County</u>		<u>Acres</u>
Section 21:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
Section 28:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>8.0</u>
	TOTAL	46.0

5. On October 16, 2013, Philip Wehrman filed map number 18690 showing the land proposed to be irrigated under appropriation A-12180 through transfer EXT-4765.

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-12180 at the rate of 0.65 cfs is CANCELLED for use on the land described below.

Township 3 North, Range 7 West of the		
<u>6th P.M. in Nuckolls County</u>		<u>Acres</u>
Section 21:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
Section 28:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>8.0</u>
	TOTAL	46.0

2. Application EXT-4765 for a permit for an expedited transfer of the location of use and map number 18690 are APPROVED.

3. Appropriation A-12180 through transfer EXT-4765 authorizes the use of water to irrigate 76.0 acres of land described below and depicted on map number 18690, which is made a part of this Order. The water may be diverted from Elk Creek at the points of diversion located on the left bank of the stream in the NW¹/₄NE¹/₄ and SE¹/₄NE¹/₄ of Section 28, Township 3 North, Range 7 West of the 6th P.M. in Nuckolls County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.09 cfs from all points of diversion (489 gallons per minute). The total combined volume of all appropriations shall be limited annually to 3 acre-feet per acre of land on which water is actually and beneficially applied; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 3 North, Range 7 West of the</u>		
<u>6th P.M. in Nuckolls County</u>		<u>Acres</u>
Section 21:	SENE	2.4
	NE ¹ / ₄ SE ¹ / ₄	28.5
	SE ¹ / ₄ SE ¹ / ₄	19.8
Section 22:	SW ¹ / ₄ NW ¹ / ₄	2.3
	NW ¹ / ₄ SW ¹ / ₄	11.3
	SW ¹ / ₄ SW ¹ / ₄	<u>11.7</u>
	TOTAL	76.0

4. Appropriation A-19106 provides supplemental irrigation to land approved for irrigation under natural flow appropriation A-12180 through transfer EXT-4765.
5. All terms and conditions of appropriation A-12180 remain in effect unless specifically changed by this Order.
6. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
7. 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

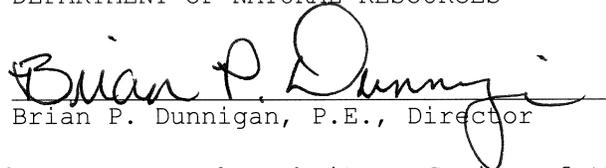
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an 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.

DEPARTMENT OF NATURAL RESOURCES

June 12, 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 18690 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18690 mailed on June 12, 2014, to the following:

Philip and Diana L. Wehrman
3396 PQ Road
Nelson, NE 68961