

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11156

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11156 is held by Frank M. Campbell and Lurlie E. Campbell.
2. Appropriation A-11156 with a priority date of May 31, 1967, authorizes the use of water for irrigation of the 228.0 acres of land described below. The water may be diverted from the South Loup River at points of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6 and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, both in Township 12 North, Range 13 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed 3.26 cubic feet per second (cfs) from all points of diversion.

Township 12 North, Range 13 West of the 6 th P.M. in Buffalo County		Acres
Section 4:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.5
Section 6:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
Section 9:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.5
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	41.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	41.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
TOTAL		228.0

3. The Department has received information concerning the use of surface water appropriation A-11156 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On January 4, 2011, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-11156 had not been irrigated for at least five years:

<u>Township 12 North, Range 13 West of the</u>		<u>Acres</u>
<u>6th P.M. in Buffalo County</u>		
Section 6:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.0</u>
	TOTAL	61.0

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Frank M. Campbell, 36685 Sometown Road, Ravenna, Nebraska 68869; Janet R. Campbell, 36685 Sometown Road, Ravenna, Nebraska 68869; Lurlie E. Campbell, 37125 Sometown Road, Ravenna, Nebraska 68869; Rhonda Campbell, 1501 North 208th Terrace, Elkhorn, Nebraska 68022; Jack D. and Deanne L. O'Hara, 5137 South Engleman Road, Grand Island, Nebraska 68803; Lee Jacobsen, State Bank of Cairo, P.O. Box 428, Cairo, Nebraska 68824 and Brad Campbell, 412 Alva Street Apt. 4, Ravenna, Nebraska 68869.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-11156 at the rate of 0.87 cfs for use upon the land described below is CANCELLED.

<u>Township 12 North, Range 13 West of the</u>		<u>Acres</u>
<u>6th P.M. in Buffalo County</u>		
Section 6:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>35.0</u>
	TOTAL	61.0

2. Appropriation A-11156 now authorizes the use of water to irrigate the 167.0 acres of land described below and depicted on map number 17788 which is made a part of this Order. The water may be diverted from the South Loup River at points of diversion in the NW¹/₄NW¹/₄ and NE¹/₄NW¹/₄ of Section 9, Township 12 North, Range 13 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 2.39 cfs (1073 gallons per minute) from all points of diversion.

Township 12 North, Range 13 West of the 6 th P.M. in Buffalo County		Acres
Section 4:	SW ¹ / ₄ SW ¹ / ₄	11.5
Section 9:	NW ¹ / ₄ NW ¹ / ₄	20.5
	NE ¹ / ₄ NW ¹ / ₄	3.0
	SW ¹ / ₄ NW ¹ / ₄	41.0
	SE ¹ / ₄ NW ¹ / ₄	41.0
	NW ¹ / ₄ SW ¹ / ₄	10.0
	NE ¹ / ₄ SW ¹ / ₄	<u>40.0</u>
	TOTAL	167.0

3. All terms and conditions of appropriation A-11156 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 3, 2011


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order and map number 17788 was provided to the Department's field office in Ord, Nebraska. A copy of this Order and map number 17788 was mailed on March 3, 2011, to the following:

Frank M. Campbell
36685 Sodtown Road
Ravenna, Nebraska 68869

Jack D. and Deanne L. O'Hara
5137 South Engleman Road
Grand Island, Nebraska 68803

Janet R. Campbell
36685 Sodtown Road
Ravenna, Nebraska 68869

Lee Jacobsen
State Bank of Cairo
P.O. Box 428
Cairo, Nebraska 68824

Lurlie E. Campbell
37125 Sodtown Road
Ravenna, Nebraska 68869

Brad Campbell
412 Alva Street Apartment 4
Ravenna, Nebraska 68869

Rhonda Campbell
1501 North 208th Terrace
Elkhorn, Nebraska 68022