

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-19895
AND APPROVAL OF MAP NUMBER 21710**

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-19895 is held by **Tyler and Valerie Binder, Lynn and Elaine Binder and Todd and April Binder.**
2. Appropriation A-19895 has a priority date of **January 31, 2023**, and authorizes the use of water for irrigation of the **389.1 acres** of land described below. The water may be diverted from **the North Fork of the Big Nemaha River** at a point of diversion located on the **right bank** of the stream in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 07, Township 03 North, Range 12 East of the 6th P.M. in Pawnee 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 **5.56 cfs.** The total annual volume may not exceed **three** acre-feet per acre of land on which water is actually and beneficially applied.

Township 03 North, Range 12 East of the 6 th P.M. in Pawnee County		Acres	
Section 07:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.4	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.2	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.9	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.4	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.1	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.5	
	Section 08:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.9
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	24.9
SE $\frac{1}{4}$ SW $\frac{1}{4}$		0.9	
Section 18:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34.7	
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>39.2</u>	
TOTAL		389.1	

3. The approval of appropriation A-19895 was conditional upon the irrigation of the above land by September 1, 2025.

4. Department personnel performed a field investigation and determined a portion of the land approved for irrigation under appropriation A-19895 had not been irrigated by September 1, 2025.
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-19895 at a rate of 2.67 for use upon 186.6 acres of land is **CANCELLED**.
2. **Authorized Land for Irrigation After BUC-11562**
Appropriation A-19895 now permits the appropriator to divert water from **the North Fork of the Big Nemaha River** to irrigate the **202.5 acres** of land described below and depicted on map number 21710 which is made a part of this Order.

Township 03 North, Range 12 East of the 6 th P.M. in Pawnee County	Acres
Section 07: NE ¹ / ₄ SW ¹ / ₄	27.9
SW ¹ / ₄ SW ¹ / ₄	16.9
SE ¹ / ₄ SW ¹ / ₄	38.0
NW ¹ / ₄ SE ¹ / ₄	32.7
NE ¹ / ₄ SE ¹ / ₄	26.6
SW ¹ / ₄ SE ¹ / ₄	33.8
SE ¹ / ₄ SE ¹ / ₄	2.4
Section 18: NW ¹ / ₄ NW ¹ / ₄	10.2
NE ¹ / ₄ NW ¹ / ₄	14.0
TOTAL	202.5

3. **Diversion Rate**
The water may be diverted from **the North Fork of the Big Nemaha River** at **a point** of diversion located on the **right bank** of the stream in the **NE¹/₄SE¹/₄ of Section 07, Township 03 North, Range 12 East of the 6th P.M. in Pawnee County**, as depicted on map number 21710. Water diverted shall not exceed a maximum rate of **2.89 cfs (1,297 gallons per minute)**.
4. **Terms & Conditions of Previous Order(s)**
All terms and conditions of the approval of appropriation A-19895 remain in effect unless specifically changed by this Order.
5. **Ongoing Statutory Requirements**
The appropriator must:
 - 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 applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, or criminal prosecution.

Under Nebraska law, failure to use a portion or all of a perfected appropriation for **more than five consecutive years** for its approved purpose may result in its cancellation.

This appropriation **does not guarantee** water availability. Senior appropriations have legal priority. If insufficient water is available, junior appropriators may be closed. Appropriators may request enforcement action by contacting the local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 27, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21710 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21710 were mailed to the following:

Lynn and Elaine Binder
62694 Hwy 4
Table Rock, Nebraska 68447

Todd and April Binder
509 9th Street
Table Rock, Nebraska 68447

Tyler and Valerie Binder
71387 624 Blvd
Table Rock, Nebraska 68447