

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13109

CASE NUMBER 2014-27-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13109 is held by Brooklet Stock Farm, LTD.
2. Appropriation A-13109 with a priority date of July 29, 1974, authorizes the use of water for irrigation of the 38 acres of land described below. The water may be diverted from a tributary to Weeping Water Creek a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 11 North, Range 13 East of the 6th P.M. in Cass County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.54 cfs from all points of diversion.

<u>Township 11 North, Range 13 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$	5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	28
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>5</u>
TOTAL	38

3. The Department has received information concerning the use of surface water appropriation A-13109 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On August 4, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13109. The Notice was delivered by certified mail to Brooklet Stock Farm, LTD, c/o William Schlichtemeier, 2018 South 151st Street, Omaha, Nebraska 68144.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13109 has not been used for its required purpose for more than five consecutive years.

7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-13109 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

September 26, 2014


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's docket clerk and field office in Lincoln, Nebraska. A copy of this Order was mailed on September 26, 2014, to the following:

Brooklet Stock Farm, A Limited Partnership
c/o William Schlichtemeier
2018 South 151st Street
Omaha, Nebraska 68144