

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16347

CASE NUMBER 2014-29-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of the land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, Township 4 North, Range 6 East of the 6th P.M. in Gage County appurtenant to appropriation A-16347 is owned by Kenneth P. and Connie C. Arens.
2. A search of the records of the Gage County Register of Deeds indicates a portion of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 4 North, Range 6 East of the 6th P.M. in Gage County is owned by the Nebraska Department of Roads.
3. Appropriation A-16347 with a priority date of November 29, 1984, authorizes the use of water for irrigation of the 2.7 acres of land described below. The water may be diverted from Indian Creek at points of diversion located on the west bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 4 North, Range 6 East of the 6th P.M. in Gage 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 rate of 0.04 cfs.

Township 4 North, Range 6 East of the 6 th P.M. in Gage County		Acres
Section 22:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.1</u>
	TOTAL	2.7

4. The Department has received information concerning the use of surface water appropriation A-16347 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On August 21, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16347. The Notice was delivered by certified mail to Kenneth P. and Connie C. Arens, 1415 North 13th Street, Beatrice, Nebraska 68310, and to Robert Frickel, Right of Way Manager, Nebraska Department of Roads, 1500 Highway 2, P.O. Box 94759, Lincoln, Nebraska 68509.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-16347 has not been used for its required purpose for more than five consecutive years.
8. *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-16347 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

November 21, 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 November 21, 2014, to the following:

Kenneth P. and Connie C. Arens
1415 North 13th Street
Beatrice, Nebraska 68310

Robert Frickel, Right of Way Manager
Nebraska Department of Roads
INTERAGENCY
1500 Highway 2
P.O. Box 94759
Lincoln, Nebraska 68509