

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Preliminary) Case #008-09CC
Determination of Nonuse of)
Surface Water Appropriation) ORDER SETTING ASIDE PROCEEDING
A-15159.)
Water Division 2-A.)

Background

The above captioned matter comes before the Director of the Department of Natural Resources. This is a proceeding held under the provisions of Neb. Rev. Stat. §§ 46-229 to 46-229.04.

Findings of Fact

The Director, after an examination of the record, makes the following FINDINGS OF FACT:

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15159 is held by Richard L. Hartman.
2. On April 17, 2009, Richard L. Hartman filed a Contest of Preliminary Determination of Nonuse in the Department regarding water appropriation A-15159.
3. On April 22, 2009, the Department issued a Notice of Hearing, and the hearing was held on May 7, 2009. Mr. Hartman appeared at the hearing.

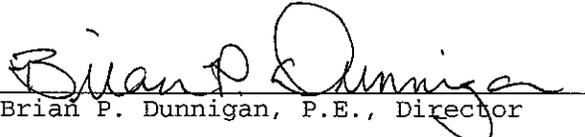
Conclusions of Law

After review by the Director, it is apparent that errors were made by the Department in this proceeding sufficient to necessitate setting aside the entire proceeding.

It is therefore ORDERED that this proceeding is set aside.

DEPARTMENT OF NATURAL RESOURCES

March 17, 2010


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 field office in Ord, Nebraska, and to the Department's Attorney, Jean Angell. A copy of this Order was mailed on March 18, 2010, to the following:

Richard L. Hartman
5075 South Locust
Grand Island, Nebraska 68801