

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10174

CASE NUMBER 2013-18-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10174 is held by Richard A. Doerr.
2. A search of the records of the Knox County Register of Deeds indicates the land appurtenant to appropriation A-10174 is owned by Richard A. Doerr, a married man. Under Nebraska law Richard A. Doerr's wife, Betty J. Doerr, retains a marital interest in the land.
3. Appropriation A-10174 with a priority date of April 11, 1963, authorizes the use of water for irrigation of the 91 acres of land described below. The water may be diverted from Little Bazile Creek at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, and on both banks in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27, both in Township 30 North, Range 4 West of the 6th P.M. in Knox 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 1.3 cfs from all points of diversion.

Township 30 North, Range 4 West of the 6 th P.M. in Knox County	Acres
Section 22: SW $\frac{1}{4}$ SE $\frac{1}{4}$	27
SE $\frac{1}{4}$ SE $\frac{1}{4}$	23
Section 27: NW $\frac{1}{4}$ NE $\frac{1}{4}$	16
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>25</u>
TOTAL	91

4. The Department has received information concerning the use of surface water appropriation A-10174 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 5, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10174. The notice was delivered by certified mail to Richard A. Doerr, 418 South McNamara Street, Bloomfield, Nebraska 68718; and Betty J. Doerr, 418 South McNamara Street, Bloomfield, Nebraska 68718.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-10174 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-10174 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 7, 2013


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 Norfolk, Nebraska. A copy of this Order was mailed on August 7, 2013, to the following:

Richard A. Doerr
418 South McNamara Street
Bloomfield, Nebraska 68718

Betty J. Doerr
418 South McNamara Street
Bloomfield, Nebraska 68718