

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13314

CASE NUMBER 2013-25-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13314 is held by Douglas Pellatz.
2. A search of the records of the Antelope County Register of Deeds indicates the land appurtenant to appropriation A-13314 is owned by Demerath Farms, Inc.
3. Appropriation A-13314 with a priority date of December 16, 1974, authorizes the use of water for irrigation of the 46 acres of land described below. The water may be diverted from West Bazile Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 28 North, Range 5 West of the 6th P.M. in Antelope 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 0.66 cfs.

<u>Township 28 North, Range 5 West of the</u> <u>6th P.M. in Antelope County</u>	<u>Acres</u>
Section 32: SW $\frac{1}{4}$ NW $\frac{1}{4}$	27
NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>19</u>
TOTAL	46

4. The Department has received information concerning the use of surface water appropriation A-13314 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13314. The notice was delivered by certified mail to Douglas Pellatz, 53113 865th Road, Plainview, Nebraska 68769; and to James E. Demerath, Demerath Farms, Inc., 86312 530th Avenue, Plainview, Nebraska 68769.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

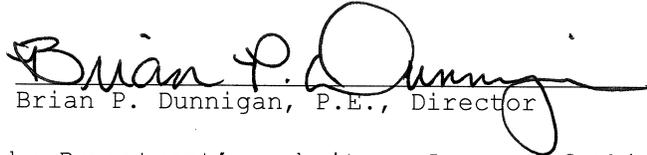
7. The Department has determined that appropriation A-13314 has not been used for its required purpose for more than five consecutive years.
8. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-13314 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 16, 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 July 16, 2013, to the following:

Douglas Pellatz
53113 865th Road
Plainview, Nebraska 68769

James E. Demerath
Demerath Farms, Inc.
86312 530th Avenue
Plainview, Nebraska 68769