

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION D-236R P-355

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-236R P-355 is held by Dale and Delores Hongsermeier.
2. Appropriation D-236R P-355 with a priority date of December 28, 1894, authorizes the use of water for irrigation of the 49.5 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 12 North, Range 14 West of the 6th P.M. in Buffalo 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 0.71 cfs.

Township 12 North, Range 14 West of the 6 th P.M. in Buffalo County	Acres
Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.3
Section 30: NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.2</u>
TOTAL	49.5

3. The Department has received information concerning the use of surface water appropriation D-236R P-355 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 9, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation D-236R P-355. The notice was delivered by certified mail to Dale W. Hongsermeier Trust, c/o Dale W. Hongsermeier, Trustee, 812 South Blaine, Grand Island, Nebraska, 68803; Delores W. Hongsermeier Trust, c/o Delores W. Hongsermeier, Trustee, 812 South Blaine, Grand Island, Nebraska, 68803; and to Duane M. and Darlene L. Betke, Trustees, c/o Darlene Betke Holdt, 4903 Parklane Drive, Kearney, Nebraska, 68847.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.

6. The Department has determined that appropriation D-236R P-355 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 D-236R P-355 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 9, 2012


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. A copy of this Order was mailed on May 9, 2012, to the following:

Dale W. Hongsermeier Trust
c/o Dale W. Hongsermeier, Trustee
812 South Blaine
Grand Island, Nebraska 68803

Delores W. Hongsermeier Trust
c/o Delores W. Hongsermeier, Trustee
812 South Blaine
Grand Island, Nebraska 68803

Duane M. and Darlene L. Betke, Trustees
c/o Darlene Betke Holdt
4903 Parklane Drive
Kearney, Nebraska 68847