

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8361

CASE NUMBER 2014-3-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8361 is held by Foote Realty Company.
2. A search of the records of the Adams County Register of Deeds indicates the land appurtenant to appropriation A-8361 was divided into distinct parcels with multiple landowners. All such appurtenant land is within the corporate city limits of Hastings, Nebraska. Therefore, pursuant to *Nebraska Revised Statutes* 46-229.03, these landowners were served by publication of the notice in the Hastings Tribune.
3. Appropriation A-8361 with a priority date of February 16, 1956, authorizes the use of water for irrigation of the 43 acres of land described below. The water may be diverted from a tributary to the West Fork of the Big Blue River at points of diversion located on each bank of the stream in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 36, Township 8 North, Range 10 West of the 6<sup>th</sup> P.M. in Adams County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 135 acres irrigated at a maximum combined rate of 0.34 cfs from all points of diversion.

Township 8 North, Range 10 West of the 6 <sup>th</sup> P.M. in Adams County		Acres
Section 36: NE $\frac{1}{4}$ SE $\frac{1}{4}$		35
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>8</u>
	TOTAL	43

4. The Department has received information concerning the use of surface water appropriation A-8361 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On January 10, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8361. The Notice was delivered by certified mail to Robert Foote, Jr., Foote Realty Company, 3203 Osborne Drive West, Hastings, Nebraska 68901.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-8361 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-8361 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

February 19, 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 February 19, 2014, to the following:

Robert Foote, Jr.  
Foote Realty Company  
3203 Osborne Drive West  
Hastings, Nebraska 68901