

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10414

CASE NUMBER 2015-14-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10414 is held by George G. Pick.
2. A search of the records of the Cedar County Register of Deeds indicates the land appurtenant to appropriation A-10414 includes the name of an owner that is different than the owners listed in Department records. This owner is Pick Farms, LLC c/o James D. Buser.
3. Appropriation A-10414 has a priority date of August 3, 1964, and authorizes the use of water for irrigation of the 19 acres of land described below. The water may be diverted from Norwegian Bow Creek at points of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, all in Township 31 North, Range 01 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 0.27 cubic foot per second (cfs) from all points of diversion.

Township 31 North, Range 01 East of the 6 th P.M. in Cedar County		Acres
Section 23	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>5</u>
	TOTAL	19

4. The Department has received information concerning the use of surface water appropriation A-10414 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On June 24, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10414. The Notice was delivered by certified mail to George G. Pick, 88421 Highway 57, Hartington, Nebraska 68739 and to Pick Farms, LLC, c/o James D. Buser, 10250 Regency Circle, Suite 300, Omaha, Nebraska 68114.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

7. The Department has determined that appropriation A-10414 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-10414 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 31, 2015


Gordon W. Fassett, 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 31, 2015, to the following:

George G. Pick
88421 Highway 57
Hartington, Nebraska 68739

Pick Farms, LLC
c/o James D. Buser
10250 Regency Circle, Suite 300
Omaha, Nebraska 68114