

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15623

CASE NUMBER 2015-23-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15623 is held by Merlin L. Weber, Jr.
2. A search of the records of the Boone County Register of Deeds indicates the land appurtenant to appropriation A-15623 includes names of owners that are different than the owner listed in Department records. These owners are Beverly A. Weber and Pinnacle Bank.
3. Appropriation A-15623 has a priority date of February 22, 1980, and authorizes the use of water for irrigation of the 58.2 acres of land described below. The water may be diverted from Beaver Creek at points of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 21 North, Range 07 West of the 6<sup>th</sup> P.M. in Boone County. The rate that water may be diverted shall not exceed 0.83 cubic foot per second (cfs) from all points of diversion.

<u>Township 21 North, Range 07 West of the 6<sup>th</sup> P.M. in Boone County</u>	<u>Acres</u>
Section 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.6
NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>17.6</u>
TOTAL	58.2

4. The Department has received information concerning the use of surface water appropriation A-15623 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

5. On November 16, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15623. The Notice was delivered by certified mail to Merlin L. Weber, Jr., 707 South 7<sup>th</sup> Street, Albion, Nebraska 68620; Beverly A. Weber, 707 South 7<sup>th</sup> Street, Albion, Nebraska 68620; Pinnacle Bank, Columbus Village Center Main Office, P.O. Box 1585, Columbus, Nebraska 68701.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-15623 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-15623 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

January 25, 2016

  
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 January 25, 2016, to the following:

Merlin L. Weber, Jr.  
707 South 7<sup>th</sup> Street  
Albion, Nebraska 68620

Beverly A. Weber  
707 South 7<sup>th</sup> Street  
Albion, Nebraska 68620

Pinnacle Bank  
Columbus Village Center Main Office  
P.O. Box 1585  
Columbus, Nebraska 68701