

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-11153

CASE NUMBER 2013-30-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11153 is held by Gwen S. Ganz.
2. A search of the records of the Knox County Register of Deeds indicates the land appurtenant to appropriation A-11153 was divided into distinct parcels and there may be additional landowners. These individuals are Ralph B. and Ellen Louise Thomas, John T. Tauber, Paul and Margaret Dartman, Richard G. Prochaska, Jimmy R. Swanson, and Meurot Grain Company, Inc.
3. Appropriation A-11153 with a priority date of May 26, 1967, authorizes the use of water for irrigation of the 31.0 acres of land described below. The water may be diverted from Bazile Creek at points of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, Township 29 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.44 cfs from all points of diversion.

Township 29 North, Range 5 West of the 6 <sup>th</sup> P.M. in Knox County		Acres
Section 21:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>6.5</u>
	TOTAL	31.0

4. The Department has received information concerning the use of surface water appropriation A-11153 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

5. On June 19, 2013, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-11153 had not been irrigated for at least five years:

<u>Township 29 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 21:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>6.5</u>
	TOTAL	16.6

6. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Gwen S. Ganz, P.O. Box 183, Creighton, Nebraska 68729; John T. Tauber, P.O. Box 164, Winnetoon, Nebraska 68789; Ralph B. and Ellen Louise Thomas, P.O. Box 36, Creighton, Nebraska 68729; Paul and Margaret Dartman, 87223 Highway 13, Creighton, Nebraska 68729; Richard G. Prochaska, 1201 Chase Avenue, Creighton, Nebraska 68729; Jimmy R. Swanson, 89054 519<sup>th</sup> Avenue, Niobrara, Nebraska 68760; and Jim Meurot, President, Meurot Grain Company, Inc., P.O. Box 429, Brunswick, Nebraska 68720.
7. No contest of the Preliminary Determination of Nonuse was received in the Department.

ORDER

1. Part of appropriation A-11153 at the rate of 0.23 cfs for use upon the land described below is CANCELLED.

<u>Township 29 North, Range 5 West of the 6<sup>th</sup> P.M. in Knox County</u>		<u>Acres</u>
Section 21:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>6.5</u>
	TOTAL	16.6



A copy of this Order was posted on the Department's website. Copies of this Order and map number 18562 were provided to the Department's docket clerk and field office in Norfolk, Nebraska. Copies of this Order and map number 18562 were mailed on September 5, 2013, to the following:

Gwen S. Ganz  
P.O. Box 183  
Creighton, Nebraska 68729

Richard G. Prochaska  
1201 Chase Avenue  
Creighton, Nebraska 68729

John T. Tauber  
P.O. Box 164  
Winnetoon, Nebraska 68789

Jimmy R. Swanson  
89054 519<sup>th</sup> Avenue  
Niobrara, Nebraska 68760

Ralph B. and Ellen Louise Thomas  
P.O. Box 36  
Creighton, Nebraska 68729

Jim Meurot, President  
Meurot Grain Company, Inc.  
P.O. Box 429  
Brunswick, Nebraska 68720

Paul and Margaret Dartman  
87223 Highway 13  
Creighton, Nebraska 68729