

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14731

CASE NUMBER 2013-24-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14731 is held by Jerry L. Konopasek.
2. A search of the records of the Knox County Register of Deeds indicates the land appurtenant to appropriation A-14731 includes names of owners that are different than the owner listed in Department records. Jerry L. and Florence C. Konopasek jointly own land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 31, Township 31 North, Range 7 West of the 6th PM. in Knox County appurtenant to appropriation A-14731. Lillian M. Swoboda Farm Trust owns land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 31, Township 31 North, Range 7 West of the 6th PM. in Knox County appurtenant to appropriation A-14731.
3. Appropriation A-14731 with a priority date of February 16, 1977, authorizes the use of water for irrigation of the 68 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at points of diversion located on both banks of the stream in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 6, Township 30 North, Range 7 West of the 6th P.M. in Knox 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 combined rate of 0.97 cfs from all points of diversion.

Township 30 North, Range 7 West of the 6 th P.M. in Knox County	Acres
Section 6: SW $\frac{1}{4}$ NW $\frac{1}{4}$	5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30
Township 31 North, Range 7 West of the 6 th P.M. in Knox County	
Section 31: NW $\frac{1}{4}$ SW $\frac{1}{4}$	30
SW $\frac{1}{4}$ SW $\frac{1}{4}$	3
TOTAL	68

4. The Department has received information concerning the use of surface water appropriation A-14731 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

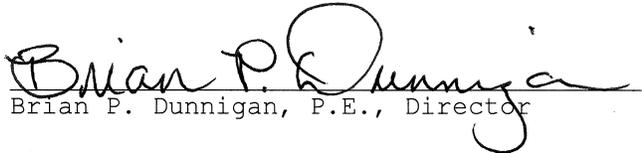
5. On May 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14731. The notice was delivered by certified mail to Jerry L. Konopasek, 51607 881st Road, Verdigre, Nebraska 68783; to Florence C. Konopasek, 51607 881st Road, Verdigre, Nebraska 68783; and to Roy D. Swoboda, Trustee of the Lillian M. Swoboda Farm Trust, 54487 843rd Road, Meadow Grove, Nebraska 68752.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-14731 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-14731 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 26, 2013


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 Ord, Nebraska. A copy of this Order was mailed on July 26, 2013, to the following:

Jerry L. Konopasek
51607 881st Road
Verdigre, Nebraska 68783

Roy D. Swoboda, Trustee
Lillian M. Swoboda Farm Trust
54487 843rd Road
Meadow Grove, Nebraska 68752

Florence C. Konopasek
51607 881st Road
Verdigre, Nebraska 68783