

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14865

CASE NUMBER 2013-32-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14865 is held by Oestmann Farms, Inc.
2. Appropriation A-14865 with a priority date of March 31, 1977, authorizes the use of water for irrigation of the 127.3 acres of land described below. The water may be diverted from Rock Creek at points of diversion located on both banks of the stream in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, Township 6 North, Range 14 East of the 6th P.M. in Nemaha 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 1.82 cfs from all points of diversion.

Township 6 North, Range 14 East of the 6 th P.M. in Nemaha County	Acres
Section 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$	26.3
SE $\frac{1}{4}$ SW $\frac{1}{4}$	27.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.5
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>37.0</u>
TOTAL	127.3

3. The Department has received information concerning the use of surface water appropriation A-14865 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14865. The Notice was delivered by certified mail to Jim Oestmann, Oestmann Farms, Inc., P.O. Box 266, Auburn, Nebraska 68305.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-14865 has not been used for its required purpose for more than five consecutive years.

7. *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-14865 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 8, 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 Lincoln, Nebraska. A copy of this Order was mailed on August 8, 2013, to the following:

Jim Oestmann
Oestmann Farms, Inc.
P.O. Box 266
Auburn, Nebraska 68305