

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12012

CASE NUMBER 2013-56-CC-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12012 is held by Orrin Hoblyn.
2. A search of the records of the Custer County Register of Deeds indicates the land appurtenant to appropriation A-12012 includes the name of an owner that is different than the owner listed in Department records. This individual is Catherine S. Hoblyn.
3. Appropriation A-12012 has a priority date of July 20, 1970, and authorizes the use of water for irrigation of the 120.0 acres of land described below. The water may be diverted from Mud (Beaver) Creek at points of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and on both banks in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 15 North, Range 17 West of the 6th P.M. in Custer County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.71 cfs.

Township 14 North, Range 17 West of the 6 th P.M. in Custer County		Acres
Section 4:	Lot 1	30.6
	Lot 2	22.4
	Lot 3	32.2
	Lot 4	26.8
Township 15 North, Range 17 West of the 6 th P.M. in Custer County		Acres
Section 33:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
TOTAL		120.0

4. The Department received information concerning the use of surface water appropriation A-12012 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On November 7, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12012. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Orrin Hoblyn, 78566 Highway 2, Mason City, Nebraska 68855; and to Catherine S. Hoblyn, 78566 Highway 2, Mason City, Nebraska 68855.

6. On November 15, 2013, the Orrin Hoblyn and Catherine S. Hoblyn certified mailings were returned to the Department "refused".
7. On November 21, 2013, the Department issued a second Notice of Preliminary Determination of Nonuse of appropriation A-12012. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Custer County Sheriff Dan Osmond, 116 South 11th, Broken Bow, Nebraska 68822.
8. On November 25, 2013, Barrett Gibbons of the Custer County Sheriff's office personally delivered to Catherine S. Hoblyn one Notice of Preliminary Determination of Nonuse of appropriation A-12012.
9. On November 26, 2013, Barrett Gibbons of the Custer County Sheriff's office delivered to Catherine S. Hoblyn, Substitute of Suitable Age, the second Notice of Preliminary Determination of Nonuse of appropriation A-12012 for Orrin E. Hoblyn.
10. On December 23, 2013, Orrin E. Hoblyn filed in the Department a Contest of Preliminary Determination of Nonuse of appropriation A-12012.
11. On October 23, 2014, Orrin E. and Catherine S. Hoblyn filed a Relinquishment of Water Appropriation, REL-5234, in the office of the Department relinquishing the right to divert water under appropriation A-12012.
12. The Department should withdraw from case number 2013-56-CC-1 and act on relinquishment REL-5234.

ORDER

IT IS HEREBY ORDERED:

1. Case number 2013-56-CC-1 is DISMISSED.
2. Appropriation A-12012 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

November 21, 2014


 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 November 21, 2014, to the following:

Orrin E. Hoblyn
 78566 Highway 2
 Mason City, Nebraska 68855

Catherine S. Hoblyn
 78566 Highway 2
 Mason City, Nebraska 68855