

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION OF WATER APPROPRIATION A-14175

CASE NUMBER 2013-27-CC-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14175 is held by Dr. David M. Kincaid et al.
2. A search of the records of the Knox County Register of Deeds indicates Jeffery M. Dorn and Dr. Gary W. Leach are owners in part of the land appurtenant to appropriation A-14175.
3. Appropriation A-14175 has a priority date of April 13, 1976, and authorizes the use of water for irrigation of the 92.0 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 30 North, Range 7 West of the 6th 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 rate of 1.31 cfs.

<u>Township 30 North, Range 7 West of the</u>		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 3:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
Section 10:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>29.0</u>
	TOTAL	92.0

4. On June 3, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14175. The Notice was delivered by certified mail to Dr. David M. Kincaid, 560 200th Street, Dakota City, Nebraska 68731; Jeffery M. Dorn, 1458 140th Street, Sioux City, Iowa 51106; and Dr. Gary Leach, 244 West 7th Street, Ainsworth, Nebraska 69210.
5. On June 28, 2013, Dr. David M. Kincaid and Jeffery M. Dorn filed in the Department correspondence contesting the Department's preliminary determination of nonuse.

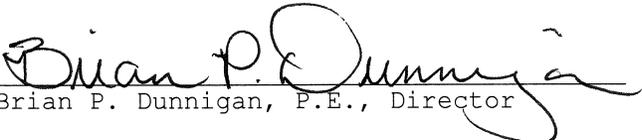
6. On July 1, 2013, Dr. Gary Leach filed in the Department correspondence contesting the Department's preliminary determination of nonuse.
7. On May 9, 2014, Dr. David M. Kincaid filed a Relinquishment of Water Appropriation, REL-5066, in the office of the Department relinquishing the right to divert water under appropriation A-14175 for use upon the land described above.
8. On May 12, 2014, Jeffery M. Dorn filed a Relinquishment of Water Appropriation, REL-5068, in the office of the Department relinquishing the right to divert water under appropriation A-14175 for use upon the land described above.
9. On October 30, 2014, Susan France, Hearing Officer, issued a Notice of Hearing regarding surface water appropriation A-14175. The Notice was served by personal service to LeRoy Sievers, Legal Counsel for the Department and was sent by certified mail, return receipt requested, to Dr. David M. Kincaid, 560 200th Street, Dakota City, Nebraska 68731; Jeffery M. Dorn, 1458 140th Street, Sioux City, Iowa 51106; Dr. Gary Leach, 244 West 7th Street, Ainsworth, Nebraska 69210
10. On November 10, 2014, Dr. Gary W. Leach filed a Relinquishment of Water Appropriation, REL-5240, in the office of the Department relinquishing the right to divert water under appropriation A-14175 for use upon the land described above.
11. The Department should act on these relinquishments and contested case number 2013-27-CC-1 should be dismissed.

ORDER

IT IS HEREBY ORDERED appropriation A-14175 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

November 18, 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 18, 2014, to the following:

Dr. David M. Kincaid
 560 200th Street
 Dakota City, Nebraska 68731

Dr. Gary Leach
 244 West 7th Street
 Ainsworth, Nebraska 69210

Jeffery M. Dorn
 1458 140th Street
 Sioux City, Iowa 51106