

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15782

CASE NUMBER 2014-32-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15782 is held by Eldean Vogt.
2. A search of the records of the Cass County Register of Deeds indicates the land appurtenant to appropriation A-15782 was divided into distinct parcels and there may be additional landowners. These individuals are Eldean Vogt, Trustee of The Vogt Trust, Nancy E. Vogt and Arlo and Vicki J. Fleischman.
3. Appropriation A-15782 with a priority date of March 10, 1981, authorizes the use of water for irrigation of the 208.3 acres of land described below. The water may be diverted from Weeping Water Creek at points of diversion located on both banks of the stream in the SE $\frac{1}{4}$ of Section 5, on the left bank in the SW $\frac{1}{4}$ of Section 4, and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, all in Township 10 North, Range 10 East of the 6th P.M. in Cass 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 rate of 2.98 cfs from all points of diversion.

Township 10 North, Range 10 East of the 6 th P.M. in Cass County		Acres
Section 4:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.5
Section 5:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.8
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.9
Section 9:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	16.3
	TOTAL	208.3

4. The Department has received information concerning the use of surface water appropriation A-15782 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

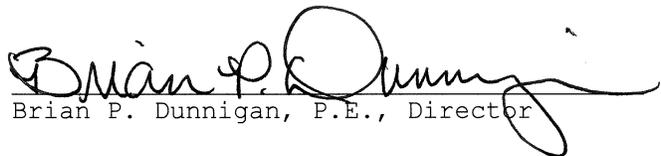
5. On September 12, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15782. The Notice was delivered by certified mail to the Vogt Trust, Eldean L. Vogt, Trustee, 112 North West Street, Elmwood, Nebraska 68349; Nancy E. Vogt, 3713 286th Street, Elmwood, Nebraska 68349; and Arlo and Vicki J. Fleischman, 2615 286th Street, Elmwood, Nebraska 68349.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-15782 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-15782 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 Lincoln, Nebraska. A copy of this Order was mailed on November 21, 2014, to the following:

Vogt Trust
Eldean L. Vogt, Trustee
112 North West Street
Elmwood, Nebraska 68349

Nancy E. Vogt
3713 286th Street
Elmwood, Nebraska 68349

Arlo and Vicki J. Fleischman
2615 286th Street
Elmwood, Nebraska 68349