

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12595

CASE NUMBER 2015-18-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12595 is held by Anthony F. Keiter.
2. A search of the records of the Cedar County Register of Deeds indicates the land appurtenant to appropriation A-12595 is held in a trust with Anthony F. Keiter as Trustee.
3. Appropriation A-12595 has a priority date of April 18, 1972, and authorizes the use of water for irrigation of the 47 acres of land described below. The water may be diverted from Norwegian Bow Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 31 North, Range 01 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 0.67 cubic feet per second (cfs).

<u>Township 31 North, Range 01 East of the 6th P.M. in Cedar County</u>	<u>Acres</u>
Section 19: NE $\frac{1}{4}$ SE $\frac{1}{4}$	13
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>34</u>
TOTAL	47

4. The Department has received information concerning the use of surface water appropriation A-12595 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On September 22, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12595. The Notice was delivered by certified mail to Anthony F. Keiter, Trustee, 207 East Park, Hartington, Nebraska 68739.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-12595 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-12595 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

December 22, 2015


Gordon W. Fassel, 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 Norfolk, Nebraska. A copy of this Order was mailed on December 22, 2015, to the following:

Anthony F. Keiter, Trustee
207 East Park
Hartington, Nebraska 68739