

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12019

CASE NUMBER 2015-21-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12019 is held by James E. Kressig and Donovan F. Kressig.
2. Appropriation A-12019 has a priority date of July 22, 1970, and authorizes the use of water for irrigation of the 72.0 acres of land described below. The water may be diverted from Bow Creek at points of diversion in the NW¹/₄NW¹/₄ and NE¹/₄NW¹/₄ of Section 27, Township 31 North, Range 02 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 1.03 cubic feet per second (462 gallons per minute) from all points of diversion.

<u>Township 31 North, Range 02 East of the</u>	
<u>6th P.M. in Cedar County</u>	
	<u>Acres</u>
Section 27:	
NW ¹ / ₄ NW ¹ / ₄	27.0
NE ¹ / ₄ NW ¹ / ₄	15.5
SW ¹ / ₄ NW ¹ / ₄	<u>29.5</u>
TOTAL	72.0

3. The Department has received information concerning the use of surface water appropriation A-12019 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On November 16, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12019. The Notice was delivered by certified mail to James E. Kressig, 56748 884 Road, Hartington, Nebraska 68739 and to Donovan F. Kressig, 57151 884 Road, Hartington, Nebraska 68739.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-12019 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-12019 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

January 25, 2016


Gordon W. Fassett, 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 January 25, 2016, to the following:

James E. Kressig
56748 884 Road
Hartington, Nebraska 68739

Donovan F. Kressig
57151 884 Road
Hartington, Nebraska 68739