

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14449

CASE NUMBER 2015-2-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14449 is held by Raindrop Farms, L.L.C.
2. Appropriation A-14449 has a priority date of September 8, 1976, and authorizes the use of water for irrigation of the 25 acres of land described below. The water may be diverted from Pearl Creek at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 29 North, Range 1 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 0.36 cubic foot per second (cfs).

<u>Township 29 North, Range 1 East of the 6th P.M. in Cedar County</u>		<u>Acres</u>
Section 3:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3</u>
	TOTAL	25

3. The Department has received information concerning the use of surface water appropriation A-14449 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 20, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14449. The Notice was delivered by certified mail to Raindrop Farms, L.L.C., c/o Ralph Winkelbauer, 501 South 251 Street, Waterloo, Nebraska 68069, and to First National Bank Northeast, 440 Main Street, P.O. Box 9, Lyons, Nebraska 68038.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-14449 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-14449 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed on July 6, 2015, to the following:

Raindrop Farms, L.L.C.
c/o Ralph Winkelbauer
501 South 251 Street
Waterloo, Nebraska 68069

First National Bank Northeast
440 Main Street
P.O. Box 9
Lyons, Nebraska 68038