

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-17801

CASE NUMBER 2015-12-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17801 is held by Dennis A. and Mary Frances Arens, Sr.
2. A search of the records of the Cedar County Register of Deeds indicates the land appurtenant to appropriation A-17801 was divided into distinct parcels and there may be additional landowners. These individuals are Dennis A. Arens, Jr., Thomas F. Arens, Gladys M. Wieseler and Roger E. and Alison M. Lange.
3. Appropriation A-17801 with a priority date of December 7, 1999, authorizes the use of water for irrigation of the 238 acres of land described below. The water may be diverted from Second Bow Creek at a point of diversion located on the left bank of the stream in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 11, Township 32 North, Range 01 East of the 6<sup>th</sup> P.M. in Cedar County. The rate that water may be diverted shall not exceed 3.4 cubic feet per second (cfs).

Township 32 North, Range 01 East of the 6 <sup>th</sup> P.M. in Cedar County	Acres
Section 11: SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	31
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	32
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	24
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	32
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	23
SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>32</u>
TOTAL	238

4. The Department has received information concerning the use of surface water appropriation A-17801 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

5. On June 22, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-17801. The Notice was delivered by certified mail to Roger E. Lange, 89237 563 Avenue, Hartington, Nebraska 68739; Thomas F. Arens, 55581 880 Road, Hartington, Nebraska 68739; Mary Frances and Dennis A. Arens, Sr., 55986 880 Road, Hartington, Nebraska 68739; Alison M. Lange, 89237 563 Avenue, Hartington, Nebraska 68739; Dennis A. Arens, Jr., 55960 880 Road, Hartington, Nebraska 68739; Gladys M. Wieseler, 89231 563 Avenue, 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-17801 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-17801 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 31, 2015

  
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 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 August 31, 2015, to the following:

Roger E. Lange  
 89237 563 Avenue  
 Hartington, Nebraska 68739

Gladys M. Wieseler  
 89231 563 Avenue  
 Hartington, Nebraska 68739

Thomas F. Arens  
 55581 880 Road  
 Hartington, Nebraska 68739

Mary Frances and Dennis A. Arens, Sr.  
 55986 880 Road  
 Hartington, Nebraska 68739

Dennis A. Arens, Jr.  
 55960 880 Road  
 Hartington, Nebraska 68739

Alison M. Lange  
 89237 563 Avenue  
 Hartington, Nebraska 68739