

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13698

CASE NUMBER 2016-3-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13698 is held by Timothy J. and Sally M. Juilfs.
2. A search of the records of the Otoe County Register of Deeds indicates the land appurtenant to appropriation A-13698 includes the name of an owner that is different than the owner listed in Department records. This owner is Rock Creek Hunt Club L.L.C.
3. Appropriation A-13698 with a priority date of August 1, 1975, authorizes the use of water for irrigation of the 76 acres of land described below. The water may be diverted from a tributary to Rock Creek at points of diversion located on both banks of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36, Township 07 North, Range 13 East of the 6<sup>th</sup> P.M. in Otoe 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 1.09 cfs.

Township 07 North, Range 13 East of the  
6<sup>th</sup> P.M. in Otoe County

	Acres
Section 36: NW $\frac{1}{4}$ SE $\frac{1}{4}$	38
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>38</u>
TOTAL	76

4. The Department has received information concerning the use of surface water appropriation A-13698 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On March 17, 2016, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13698. The Notice was delivered by certified mail to Timothy J. Juilfs, 2619 Park Road, Nebraska City, Nebraska 68410; Sally M. Juilfs, 2619 Park Road, Nebraska City, Nebraska 68410; and Rock Creek Hunt Club L.L.C., P.O. Box 640, Nebraska City, Nebraska 68410.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

7. The Department has determined that appropriation A-13698 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-13698 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 28, 2016

  
Gordon W. Fassetz, P.E., 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 Lincoln, Nebraska. A copy of this Order was mailed on April 28, 2016, to the following:

Timothy J. Juilfs  
2619 Park Road  
Nebraska City, Nebraska 68410

Sally M. Juilfs  
2619 Park Road  
Nebraska City, Nebraska 68410

Rock Creek Hunt Club L.L.C.  
P.O. Box 640  
Nebraska City, Nebraska 68410