

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16749

CASE NUMBER 2016-6-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16749 is held by Rich Andrew.
2. A search of the records of the Nemaha County Register of Deeds indicates the land appurtenant to appropriation A-16749 includes names of owners that are different than the owner listed in Department records. These individuals are as follows:

Ruth I. Chrisp
818 17th Street
Auburn, Nebraska 68305

Richard and Jane Andrew
1509 F Street
Auburn, Nebraska 68305

Nebraska Game and Parks Commission
2200 North 33rd Street
P.O. Box 30370
Lincoln, Nebraska 68509

City of Auburn
Board of Public Works
1600 O Street
P.O. Box 288
Auburn, Nebraska 68305

Robert and Susan Handley
64709 718 Road
Shubert, Nebraska 68437

U.S. Army Corps of
Engineers
1616 Capitol Avenue
Omaha, Nebraska 68102

Dennis Hoover
2014 Titan Springs Drive
Papillion, Nebraska 68133

RD2 Partnership
Don Franklin
P.O. Box 241203
Omaha, Nebraska 68124

3. Pursuant to *Neb. Rev. Stat. § 46-229.03(3)*, the Department published Notice of Preliminary Determination of Nonuse in the Nemaha County Herald as notice to any owner whose name and address was not known to the Department based on the Report of Field Investigation dated March 23, 2016.
4. A scrivener's error was made on the Order dated June 15, 1989, correcting the map approval. Land located in the ~~NW¹SE¹~~ (10 acres), ~~NE¹SE¹~~ (33 acres) and ~~SE¹SE¹~~ (4 acres) of Section 12, Township 04 North, Range 15 East of the 6th P.M. in Nemaha County was incorrectly listed as ~~NW¹NE¹~~, ~~NE¹NE¹~~ and ~~SE¹NE¹~~ of Section 12 of said legal description.

5. Appropriation A-16749 with a priority date of February 28, 1989, authorizes the use of water for irrigation of the 873 acres of land described below. The water may be diverted from the Missouri River at points of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 07 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 08, all in Township 04 North, Range 16 East of the 6th P.M. in Nemaha 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 combined rate of 12.47 cfs from all points of diversion.

Township 04 North, Range 15 East of the 6 th P.M. in Nemaha County	Acres	Township 04 North, Range 16 East of the 6 th P.M. in Nemaha County	Acres
Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$	8	Section 07: NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37
NW $\frac{1}{4}$ SE $\frac{1}{4}$	10	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11
Township 04 North, Range 16 East of the 6 th P.M. in Nemaha County	Acres	Section 08: NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
Section 07: NW $\frac{1}{4}$ NW $\frac{1}{4}$	35	NE $\frac{1}{4}$ NW $\frac{1}{4}$	37
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	SE $\frac{1}{4}$ NW $\frac{1}{4}$	18
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	TOTAL	873

6. The Department has received information concerning the use of surface water appropriation A-16749 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
7. On April 1, 2016, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16749. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Ruth I. Crisp, 818 17th Street, Auburn, Nebraska 68305; Nebraska Game and Parks Commission, 2200 North 33rd Street, P.O. Box 30370, Lincoln, Nebraska 68509; Robert and Susan Handley, 64709 718 Road, Shubert, Nebraska 68437; Dennis Hoover, 2014 Titan Springs Drive, Papillion, Nebraska 68133; RD2 Partnership, Don Franklin, P.O. Box 241203, Omaha, Nebraska 68124; Richard and Jane Andrew, 1509 F Street, Auburn, Nebraska 68305; City of Auburn, Board of Public Works, 1600 O Street, P.O. Box 288, Auburn, Nebraska 68305; U.S. Army Corps of Engineers, 1616 Capitol Avenue, Omaha, Nebraska 68102.

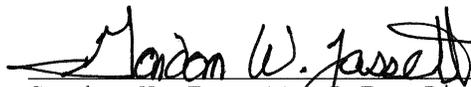
8. On April 12, 2016, the mailing to RD2 Partnership, Don Franklin, P.O. Box 241203, Omaha, Nebraska 68124, was returned unable to forward.
9. On April 26, 2016, the mailing to Ruth I. Chrisp, 818 17th Street, Auburn, Nebraska 68305, was returned unable to forward.
10. No contest of the Preliminary Determination of Nonuse was received in the Department.
11. The Department has determined that appropriation A-16749 has not been used for its required purpose for more than five consecutive years.
12. *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-16749 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 20, 2016



 Gordon W. Fassett, 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 May 20, 2016, to the following:

Nebraska Game and Parks Commission
 2200 North 33rd Street
 P.O. Box 30370
 Lincoln, Nebraska 68509

City of Auburn
 Board of Public Works
 1600 O Street
 P.O. Box 288
 Auburn, Nebraska 68305

Robert and Susan Handley
 64709 718 Road
 Shubert, Nebraska 68437

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