

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-10103**

WATER DIVISION 2-F

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10103 is held by Potadle Farms, LLC.
2. Appropriation A-10103 has a priority date of September 11, 1962, and authorizes the use of water for irrigation of the 73 acres of land described below. The water may be diverted from Carr Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 20 North, Range 11 East of the 6th P.M. in Burt County. The rate that water may be diverted shall not exceed 1.04 cubic feet per second (cfs).

<u>Township 20 North, Range 11 East of the 6th P.M. in Burt County</u>	<u>Acres</u>
Section 21: SW $\frac{1}{4}$ SE $\frac{1}{4}$	37
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>36</u>
TOTAL	73

3. The Department has received information concerning the use of surface water appropriation A-10103 and determined that the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.
4. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04.
5. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that appropriation A-10103 will be cancelled unless the Department's determination is successfully contested.
6. The owner(s) of the land that may be irrigated under water appropriation A-10103 may:
 - A. **Choose not to respond to this Notice. If no timely response is received the Department will proceed to enter an order cancelling all of water appropriation A-10103.**

- B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on June 3, 2024. No filing fee is required.
7. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, Neb. Rev. Stat. §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; and (3) a copy of the Report of Field Investigation which is the basis for the determination.
8. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.
9. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

May 3, 2024

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's field office in Norfolk, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail to the following:

Jon Potadle
Potadle Farms, LLC
20668 US Highway 75
Herman, Nebraska 68029