

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15191

CASE NUMBER 2022-4-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15191 is held by Robert and Patricia Hanzlik, Ken Tusha, Duane Mlady, James L. Mlady, Mary K. Haun, and Kevin G. Mlady.
2. Appropriation A-15191 with a priority date of March 1, 1978, authorizes the use of water for irrigation of the 52.0 acres of land described below. The water may be diverted from Verdigre Creek at points of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 31 North, Range 06 West of the 6th P.M. in Knox 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 0.74 cfs.

<u>Township 31 North, Range 06 West of the 6th P.M. in Knox County</u>	<u>Acres</u>
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>17.0</u>
TOTAL	52.0

3. The Department has received information concerning the use of surface water appropriation A-15191 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On April 27, 2022, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15191. The Notice was delivered by certified mail to Robert & Patricia Hanzlik, P.O. Box 102, Stuart, Nebraska 68780; Ken Tusha, 908 Clark Avenue, Creighton, Nebraska 68729; Duane Mlady, Mlady Meadows, LLC, 88068 536 Avenue, Bloomfield, Nebraska 68718; James L. Mlady, Mlady Meadows, LLC, 88288 518th Avenue, Verdigre, Nebraska 68783; Mary K. Haun, Mlady Meadows, LLC, P.O. Box 283, Spencer, Nebraska 68777; and Kevin G. Mlady, Mlady Meadows, LLC, 54082 892nd Road, Bloomfield, Nebraska 68718.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-15191 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-15191 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

June 10, 2022

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 Ord, Nebraska. A copy of this Order was mailed to the following:

Robert & Patricia Hanzlik
P.O. Box 102
Stuart, Nebraska 68780

James L. Mlady
Mlady Meadows, LLC
88288 518th Avenue
Verdigre, Nebraska 68783

Ken Tusha
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Mary K. Haun
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