

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15276

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15276 is held by Adam and Jessica Roth.
2. Appropriation A-15276 with a priority date of June 16, 1978, authorizes the appropriator to store 15 acre-feet of water from the Big Blue River in La Rue Farms Reservoir located in the NW¹/₄NW¹/₄ of Section 19, Township 09 North, Range 04 East of the 6th P.M. in Seward County.
3. The Department has received information concerning the use of surface water appropriation A-15276 that indicates that off-channel storage appropriation A-15276 has not been used for its required purpose for more than five consecutive years because the structure was removed and the reservoir is no longer capable of storing water.
4. On August 30, 2022, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15276. The Notice was displayed on the Department's website for over 30 days and was sent by certified mail to Adam and Jessica Roth, 2884 Yankee Hill Road, Milford, Nebraska 68405.
5. On October 3, 2022, the certified mailing to Adam and Jessica Roth at the abovementioned address was returned unclaimed.
6. On October 28, 2022, Deputy Johnny May of the Seward County Sheriff's Office personally delivered the Notice of Preliminary of Nonuse of appropriation A-15276 to Adam and Jessica Roth.
7. No contest of the Preliminary Determination of Nonuse was received in the Department.
8. The Department has determined that appropriation A-15276 has not been used for its required purpose for more than five consecutive years.
9. *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-15276 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



December 6, 2022

Thomas E. Riley, 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 to the following:

Adam and Jessica Roth
2884 Yankee Hill Road
Milford, Nebraska 68405