

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15277

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15277 is held by Adam and Jessica Roth.
2. A portion of appropriation A-15277 provides supplemental water to land already approved for irrigation under natural flow appropriation A-9052. The remaining portion of appropriation A-15277 is located on land not covered by an additional surface water appropriation.
3. Appropriations A-15277, right ID 2915, and A-15277, right ID 2916, have a priority date of June 16, 1978, and authorize the use of 15.0 acre-feet of water annually from La Rue Farms Reservoir (storage appropriation A-15276) from a pump site located in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 19, Township 09 North, Range 04 East of the 6<sup>th</sup> P.M. in Seward County.
4. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-15277, right ID 2915, and is not covered by an existing appropriation.

<u>Township 09 North, Range 04 East of the</u>		<u>Acres</u>
6 <sup>th</sup> P.M. in Seward County		
Section 19:	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.0
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>5.9</u>
	TOTAL	6.9

5. The following land is authorized to be irrigated under surface water appropriation A-15277, right ID 2916, and provides supplemental irrigation under natural flow appropriation A-9052.

<u>Township 09 North, Range 04 East of the</u>		<u>Acres</u>
6 <sup>th</sup> P.M. in Seward County		
Section 19:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	13.0
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	33.0
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	1.0
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>4.0</u>
	TOTAL	51.0

6. The Department has received information concerning the use of surface water appropriation A-15277 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

7. On August 30, 2022, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15277. 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.
8. On October 3, 2022, the certified mailing to Adam and Jessica Roth at the abovementioned address was returned unclaimed.
9. 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-15277 to Adam and Jessica Roth.
10. No contest of the Preliminary Determination of Nonuse was received in the Department.
11. The Department has determined that appropriation A-15277 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-15277 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



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Thomas E. Riley, P.E., Director

December 6, 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 Lincoln, Nebraska. A copy of this Order was mailed to the following:

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