

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18234

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18234 is held by Donald Boeckman et al and the National Park Service.
2. Appropriation A-18234 with a priority date of April 23, 2004, authorizes the use of water for irrigation of the 90.0 acres of land described below. The water may be diverted from a tributary to the Missouri River at a point of diversion located on the right bank of the stream in the NE¹/₄SW¹/₄ of Section 01, Township 32 North, Range 02 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 84 acres irrigated at a maximum rate of 1.07 cfs.

<u>Township 32 North, Range 02 East of the</u> <u>6th P.M. in Cedar County</u>	<u>Acres</u>
Section 01: NW ¹ / ₄ SW ¹ / ₄	0.6
NE ¹ / ₄ SW ¹ / ₄	11.9
SW ¹ / ₄ SW ¹ / ₄	21.6
SE ¹ / ₄ SW ¹ / ₄	40.9
SW ¹ / ₄ SE ¹ / ₄	13.9
Section 12: NE ¹ / ₄ NW ¹ / ₄	<u>1.1</u>
TOTAL	90.0

3. The Department has received information concerning the use of surface water appropriation A-18234 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On January 17, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-18234. The Notice was delivered by certified mail to Donald Boeckman et al, 56931 891 Road, Wynot, Nebraska 68792; and the National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-18234 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-18234 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



March 13, 2023

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

Donald Boeckman et al
56931 891 Road
Wynot, Nebraska 68792

National Park Service
601 Riverfront Drive
Omaha, Nebraska 68102