

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13534

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13534 is held by Lee R. and Corinne M. Schmit and the Robert and Betty Schmit Family Trust.
2. Appropriation A-13534 with a priority date of April 4, 1975, authorizes the use of water for irrigation of the 57.5 acres of land described below. The water may be diverted from Bone Creek at a point of diversion located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 16 North, Range 03 East of the 6th P.M. in Butler 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 0.82 cfs.

<u>Township 16 North, Range 03 East of the 6th P.M. in Seward County</u>	<u>Acres</u>
Section 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	16.6
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>17.4</u>
TOTAL	57.5

3. The Department has received information concerning the use of surface water appropriation A-13534 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 15, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13534. The Notice was delivered by certified mail to Lee R. and Corinne M. Schmit, 770 38 Road, Bellwood, Nebraska 68624 and Robert and Betty Schmit Family Trust, 770 38 Road, Bellwood, Nebraska 68624.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13534 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-13534 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 17, 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 Lincoln, Nebraska. A copy of this Order was mailed to the following:

Lee R. and Corinne M. Schmit
770 38 Road
Bellwood, Nebraska 68624

Robert and Betty Schmit Family Trust
770 38 Road
Bellwood, Nebraska 68624