

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8454

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8454 is held by Robert I. and Amy Beth Kroeker.
2. Appropriation A-8454 with a priority date of March 28, 1956, authorizes the use of water for irrigation of the 146 acres of land described below. The water may be diverted from the Little Blue River at points of diversion located on the left bank of the stream in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, Township 01 North, Range 03 East of the 6th P.M. in Jefferson County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 1.04 cfs from all points of diversion.

| <u>Township 01 North, Range 03 East of the</u> | <u>Acres</u> |
|--|--------------|
| <u>6th P.M. in Jefferson County</u> | |
| Section 03: NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 35 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 20 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 35 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 28 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 3 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 16 |
| Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$ | <u>9</u> |
| TOTAL | 146 |

3. The Department has received information concerning the use of surface water appropriation A-8454 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 4, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8454. The Notice was delivered by certified mail to Robert I. and Amy Beth Kroeker, 71440 574th Avenue, Jansen, Nebraska 68377.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8454 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-8454 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



June 20, 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:

Robert I. and Amy Beth Kroeker
71440 574th Avenue
Jansen, Nebraska 68377