

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-19858

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19858 is held by Pedro Linale.
2. Appropriation A-19858 has a priority date of June 13, 2022, and authorizes the appropriator to store 5.0 acre-feet of water in Pedro's Pond. Pedro's Pond is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 16 North, Range 12 East of the 6th P.M. in Douglas County.
3. On July 19, 2022, the Department approved application A-19858. The approval of application A-19858 was conditional upon a plan of reservoir filed within six months of the signing date of the application approval.
4. On January 12, 2023, Pedro Linale filed petition EOT-9834 in a timely manner before the January 20, 2023, deadline requesting an extension of time to file a plan of reservoir according to the Department's Rules of Practice and Procedure, Title 457 Neb. Admin. Code Chapter 11 because of contractor availability.
5. On January 17, 2023, the Department granted petition EOT-9834 for an extension of time in which to file a plan of reservoir. The deadline to file plans of Pedro's Pond was extended to July 20, 2023.
6. The plan of reservoir for Pedro's Pond was not filed by the deadline date of July 20, 2023.
7. Therefore, appropriation A-19858 should be cancelled.
8. Nebraska Revised Statutes § 46-238 provide for the cancellation of an appropriation in the event that the appropriator fails to comply with the terms of the Order.

ORDER

IT IS HEREBY ORDERED that appropriation A-19858 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

August 30, 2023

A copy of this Order was posted on the Department's website and provided to the Department's field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Pedro Linale
P.O. Box 34535
Omaha, Nebraska 68134