

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13033

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13033 is held by Gary V. and Jo E. Mathiesen, Co-Trustees.
2. Appropriation A-13033 with a priority date of May 20, 1974, authorizes the use of water for irrigation of the 74.0 acres of land described below. The water may be diverted from New York Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 19 North, Range 10 East of the 6<sup>th</sup> P.M. in Washington 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 1.06 cfs.

Township 19 North, Range 10 East of the  
6<sup>th</sup> P.M. in Washington County          Acres

|             |                                   |      |
|-------------|-----------------------------------|------|
| Section 13: | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 15.0 |
|             | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 1.5  |
|             | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 22.0 |
|             | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 20.5 |

Township 19 North, Range 11 East of the  
6<sup>th</sup> P.M. in Washington County          Acres

|             |                                   |      |
|-------------|-----------------------------------|------|
| Section 18: | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 6.5  |
|             | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 8.5  |
|             | TOTAL                             | 74.0 |

3. The Department has received information concerning the use of surface water appropriation A-13033 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 6, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13033. The Notice was delivered by certified mail to Gary V. and Jo E. Mathiesen, 18147 County Road P10, Herman, Nebraska 68029; and Matt Mathiesen, 18147 County Road P10, Herman, Nebraska 68029.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13033 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-13033 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



March 18, 2024

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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:

Gary V. and Jo E. Mathiesen  
18147 County Road P10  
Herman, Nebraska 68029

Matt Mathiesen  
18147 County Road P10  
Herman, Nebraska 68029