

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8875

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8875 is held by Kirk White and Kelly Osweiler.
2. Appropriation A-8875 with a priority date of October 1, 1956, authorizes the use of water for irrigation of the 8.23 acres of land described below. The water may be diverted from Willow Creek at a point of diversion located on the west bank of the stream in the SW¹/₄SW¹/₄ of Section 26, Township 26 North, Range 02 West of the 6th P.M. in Pierce 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 0.12 cfs.

<u>Township 26 North, Range 02 West of the</u>	
<u>6th P.M. in Pierce County</u>	<u>Acres</u>

Section 26: SW ¹ / ₄ SW ¹ / ₄	8.23
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3. The Department has received information concerning the use of surface water appropriation A-8875 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 13, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8875. The Notice was delivered by certified mail to Kirk White, 85304 550th Avenue, Pierce, Nebraska 68767; and Kelly Osweiler, 85304 550th Avenue, Pierce, Nebraska 68767.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8875 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-8875 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



March 21, 2024

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:

Kirk White
85304 550th Avenue
Pierce, Nebraska 68767

Kelly Osweiler
85304 550th Avenue
Pierce, Nebraska 68767