

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10923

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10923 is held by Eldon Wostrel and Gregg D. Lambrecht.
2. Appropriation A-10923 with a priority date of August 10, 1966, authorizes the use of water for irrigation of the 40 acres of land described below. The water may be diverted from Willow Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 26 North, Range 04 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 0.57 cfs.

Township 26 North, Range 04 West of the 6 th P.M. in Pierce County		Acres
Section 36:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3</u>
	TOTAL	40

3. The Department has received information concerning the use of surface water appropriation A-10923 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 21, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10923. The Notice was delivered by certified mail to Eldon Wostrel; 31081 431st Avenue, Yankton, South Dakota 57078; Greg Lambrecht, 84940 US Highway 81, Pierce, Nebraska 68767; and Rudolph E. Wostrel, Jr., 84848 US Highway 81, Norfolk, Nebraska 68701.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-10923 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-10923 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 2, 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:

Eldon Wostrel
31081 431st Avenue
Yankton, South Dakota 57078

Rudolph E. Wostrel, Jr.
84848 US Highway 81
Norfolk, Nebraska 68701

Greg Lambrecht
84940 US Highway 81
Pierce, Nebraska 68767