

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13414

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A- A-13414 is held by JoAnn Strelow, L.E., Todd E. and Sherry Kumm and Dane Halsey.
2. Appropriation A-13414 with a priority date of February 19, 1975, authorizes the use of water for irrigation of the 40.0 acres of land described below. The water may be diverted from the North Fork of the Elkhorn River at a point of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, 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 0.57 cfs.

<u>Township 26 North, Range 02 West of the 6th P.M. in Pierce County</u>	<u>Acres</u>
Section 23: NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.6
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.2
NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>8.2</u>
TOTAL	40.0

3. The Department has received information concerning the use of surface water appropriation A-13414 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 18, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13414. The Notice was delivered by certified mail to JoAnn Strelow, P.O. Box 192, Pierce, Nebraska 68767; Todd E. and Sherry Kumm, 55056 863 Road, Osmond, Nebraska 68765; and Dane Halsey, 55081 855th Road, 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-13414 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-13414 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



May 1, 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:

JoAnn Strelow
P.O. Box 192
Pierce, Nebraska 68767

Dane Halsey
55081 855th Road
Pierce, Nebraska 68767

Todd E. and Sherry Kumm
55056 863 Road
Osmond, Nebraska 68765