

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10103

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10103 is held by Potadle Farms, LLC.
2. Appropriation A-10103 with a priority date of September 11, 1962, authorizes the use of water for irrigation of the 73 acres of land described below. The water may be diverted from Carr Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, Township 20 North, Range 11 East of the 6<sup>th</sup> P.M. in Burt 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 1.04 cfs.

<u>Township 20 North, Range 11 East of the 6<sup>th</sup> P.M. in Burt County</u>	<u>Acres</u>
Section 21: SW $\frac{1}{4}$ SE $\frac{1}{4}$	37
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>36</u>
TOTAL	73

3. The Department has received information concerning the use of surface water appropriation A-10103 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 3, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10103. The Notice was delivered by certified mail to Jon Potadle, Potadle Farms, LLC, 20668 US Highway 75, 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-10103 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-10103 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



June 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 field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Jon Potadle  
Potadle Farms, LLC  
20668 US Highway 75  
Herman, Nebraska 68029