

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10560

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10560 is held by the Norbert and Dianne Foltz.
2. Appropriation A-10560 with a priority date of March 8, 1965, authorizes the use of water for irrigation of the 53.5 acres of land described below. The water may be diverted from Shell Creek at points of diversion located in the N¹/₂NE¹/₄ of Section 29, Township 18 North, Range 01 West of the 6th P.M. in Platte 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 combined rate of 0.76 cfs from all points of diversion.

<u>Township 18 North, Range 01 West of the</u>		
<u>6th P.M. in Platte County</u>		<u>Acres</u>
Section 20:	SW ¹ / ₄ SE ¹ / ₄	15.0
Section 21:	SW ¹ / ₄ SW ¹ / ₄	1.0
Section 28:	NW ¹ / ₄ NW ¹ / ₄	25.0
	SW ¹ / ₄ NW ¹ / ₄	1.0
Section 29:	NW ¹ / ₄ NE ¹ / ₄	5.0
	NE ¹ / ₄ NE ¹ / ₄	6.0
	SE ¹ / ₄ NE ¹ / ₄	<u>0.5</u>
	TOTAL	53.5

3. The Department has received information concerning the use of surface water appropriation A-10560 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On January 7, 2025, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10560. The Notice was delivered by certified mail to Norbert and Dianne Foltz, 6480 33rd Avenue, Columbus, Nebraska 68601 and Craig Foltz, 6480 33rd Avenue, Columbus, Nebraska 68601.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-10560 has not been used for its required purpose for more than five consecutive years.

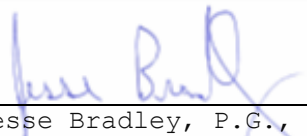
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-10560 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

February 10, 2025



Jesse Bradley, P.G., Interim 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:

Norbert and Dianne Foltz
6480 33rd Avenue
Columbus, Nebraska 68601

Craig Foltz
6480 33rd Avenue
Columbus, Nebraska 68601