

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-18234**

WATER DIVISION 2-F

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18234 is held by Donald Boeckman et al and the National Park Service.
2. Appropriation A-18234 has a priority date of April 23, 2004, and authorizes the use of water for irrigation of the 90.0 acres of land described below. The water may be diverted from a tributary to the Missouri River at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 01, Township 32 North, Range 02 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 1.07 cubic feet per second (cfs).

Township 32 North, Range 02 East of the 6 th P.M. in Cedar County	Acres
Section 01: NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.9
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.9
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.9
Section 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>1.1</u>
TOTAL	90.0

3. The Department has received information concerning the use of surface water appropriation A-18234 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.
4. At this time the Department knows of no reason for not using the appropriation that would be considered sufficient cause for nonuse under *Nebraska Revised Statutes* § 46-229.04.
5. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that appropriation A-18234 will be cancelled unless the Department's determination is successfully contested.

6. The owner(s) of the land that may be irrigated under water appropriation A-18234 may:
 - A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling all of water appropriation A-18234.**
 - B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on February 16, 2023. No filing fee is required.
7. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, *Nebraska Revised Statutes* §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; and (3) a copy of the Report of Field Investigation which is the basis for the determination.
8. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.
9. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

January 17, 2023

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's field office in Norfolk, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail to the following:

Donald Boeckman et al
56931 891 Road
Wynot, Nebraska 68792

National Park Service
601 Riverfront Drive
Omaha, Nebraska 68102