

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13845

CASE NUMBER 2019-6-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13845 is held by Gail L. Rath.
2. A search of the records of the Clay County Register of Deeds indicates the land appurtenant to appropriation A-13845 was divided into distinct parcels and there may be additional landowners including Joann Hattan and M. B. Jacobson, L.L.C.
3. Appropriation A-13845 with a priority date of October 31, 1975, authorizes the use of water for irrigation of the 76 acres of land described below. The water may be diverted from a tributary to the West Fork of the Big Blue River at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 09, Township 08 North, Range 06 West of the 6th P.M. in Clay 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 1.09 cfs.

Township 08 North, Range 06 West of the 6 th P.M. in Clay County	Acres
Section 09: SE $\frac{1}{4}$ SE $\frac{1}{4}$	38
Section 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>38</u>
TOTAL	76

4. The Department has received information concerning the use of surface water appropriation A-13845 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 8, 2019, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13845. The Notice was delivered by certified mail to Joann Hattan, 1503 North K Road, Phillips, Nebraska 68865; Gail L. Rath, 505 South M Road, Aurora, Nebraska 68818; Logan Rath, Operator, 803 West 1st Road, Harvard, Nebraska 68944; and Michael Jacobson, M. B. Jacobson, L.L.C., 3020 West Leota Street, North Platte, Nebraska 69101.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

7. The Department has determined that appropriation A-13845 has not been used for its required purpose for more than five consecutive years.
8. *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-13845 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

June 19, 2019


Gordon W. Fassett, 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 Lincoln, Nebraska. A copy of this Order was mailed on June 19, 2019, to the following:

Joann Hattan
1503 North K Road
Phillips, Nebraska 68865

Logan Rath, Operator
803 West 1st Road
Harvard, Nebraska 68944

Gail L. Rath
505 South M Road
Aurora, Nebraska 68818

Michael Jacobson
M. B. Jacobson, L.L.C.
3020 West Leota Street
North Platte, Nebraska 69101