

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-3226

CASE NUMBER 2019-8-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3226 is held by Stanley Eberspacher and Gordon K. and Jolene J. Wiegardt.
2. A search of the records of the Seward County Register of Deeds indicates David H. Wiegardt and Craig G. Wiegardt may have prospective interests in the land appurtenant to appropriation A-3226.
3. Appropriation A-3226 with a priority date of August 7, 1940, authorizes the use of water for irrigation of the 39.6 acres of land described below. The water may be diverted from the West Fork of the Big Blue River at points of diversion located on both banks of the stream in the NW¹/₄ of Section 17, Township 09 North, Range 02 East of the 6th P.M. in Seward County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.28 cfs from all points of diversion.

<u>Township 09 North, Range 02 East of the 6th P.M. in Seward County</u>	<u>Acres</u>
Section 17: NW ¹ / ₄ NW ¹ / ₄	1.9
NE ¹ / ₄ NW ¹ / ₄	20.0
SW ¹ / ₄ NW ¹ / ₄	15.7
SE ¹ / ₄ NW ¹ / ₄	<u>2.0</u>
TOTAL	39.6

4. The Department has received information concerning the use of surface water appropriation A-3226 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On July 31, 2019, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-3226. The Notice was delivered by certified mail to Gordon K. and Jolene J. Wiegardt, 1423 North 8th Street, Seward, Nebraska 68434; Stanley Eberspacher, 1920 Sagewood Avenue Ste. 225, Grand Island, Nebraska 68803; Blaine Anderson, Tenant, 3782 Rokeby Road, Friend, Nebraska 68359; Cole Anderson, Tenant, 3730 Denton Road, Beaver Crossing, Nebraska 68313, David H. Wiegardt, c/o Gordon K. and Jolene J. Wiegardt, 1423 North 8th Street, Seward, Nebraska 68434; and Craig G. Wiegardt, c/o Gordon K. and Jolene J. Wiegardt, 1423 North 8th Street, Seward, Nebraska 68434.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-3226 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-3226 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

September 09, 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 September 09, 2019, to the following:

Gordon K. and Jolene J. Wiegardt
1423 North 8th Street
Seward, Nebraska 68434

Blaine Anderson, Tenant
3782 Rokeby Road
Friend, Nebraska 68359

Stanley Eberspacher
1920 Sagewood Avenue Ste. 225
Grand Island, Nebraska 68803

Cole Anderson, Tenant
3730 Denton Road
Beaver Crossing, Nebraska 68313

David H. Wiegardt
c/o Gordon K. and Jolene J. Wiegardt
1423 North 8th Street
Seward, Nebraska 68434

Craig G. Wiegardt
c/o Gordon K. and Jolene J. Wiegardt
1423 North 8th Street
Seward, Nebraska 68434