

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-2668

CASE NUMBER 2013-38-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2668 is held by George W. Stukenholtz.
2. A search of the records of the Otoe County Register of Deeds indicates the land appurtenant to appropriation A-2668 includes the names of owners that are different than the owner listed in Department records. These individuals are Gregory D. Stukenholtz, Kevin L. Stukenholtz, David G. Stukenholtz and Deanna D. Stukenholtz Haverty.
3. Appropriation A-2668 with a priority date of December 5, 1936, authorizes the use of water for irrigation of the 98 acres of land described below. The water may be diverted from Rock Creek at a point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 North, Range 14 East of the 6th P.M. in Otoe 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 rate of 0.70 cfs.

<u>Township 7 North, Range 14 East of the 6th P.M. in Otoe County</u>	<u>Acres</u>
Section 30: NW $\frac{1}{4}$ SE $\frac{1}{4}$	35
NE $\frac{1}{4}$ SE $\frac{1}{4}$	30
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>24</u>
TOTAL	98

4. The Department has received information concerning the use of surface water appropriation A-2668 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On June 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-2668. The Notice was delivered by certified mail to George W. Stukenholtz, 1708 South 62nd Road, Nebraska City, Nebraska 68410; Gregory D. Stukenholtz, 885 South 62nd Road, Nebraska City, Nebraska 68410; Kevin L. Stukenholtz, 755 North Walnut, Wahoo, Nebraska 68066; David G. Stukenholtz, 1907 Old Gaelic Circle, Bellevue, Nebraska 68123; and Deanna D. Stukenholtz Haverty, 9611 Eastview Road, Lincoln, Nebraska 68505.

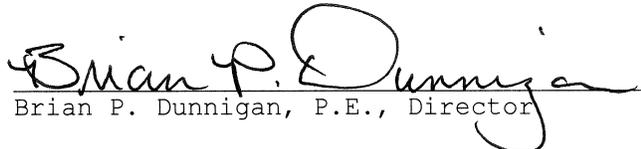
6. On July 22, 2013, the mailing to George W. Stukenholtz, 1708 South 62nd Road, Nebraska City, Nebraska 68410 was returned unclaimed.
7. On August 2, 2013, the Department issued a second Notice of Preliminary Determination of Nonuse of appropriation A-2668. The Notice was delivered by certified mail to Sheriff James Gress, 1021 Central Avenue, Nebraska City, Nebraska 68410.
8. On August 7, 2013, Greg Kotschwar, Otoe County Sheriff Deputy, personally delivered to George W. Stukenholtz the Notice of Preliminary Determination of Nonuse of appropriation A-2668.
9. No contest of the Preliminary Determination of Nonuse was received in the Department.
10. The Department has determined that appropriation A-2668 has not been used for its required purpose for more than five consecutive years.
11. *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-2668 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 18, 2013


 Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's docket clerk and field office in Lincoln, Nebraska. A copy of this Order was mailed on October 18, 2013, to the following:

George W. Stukenholtz
 1708 South 62nd Road
 Nebraska City, Nebraska 68410

David G. Stukenholtz
 1907 Old Gaelic Circle
 Bellevue, Nebraska 68123

Gregory D. Stukenholtz
 885 South 62nd Road
 Nebraska City, Nebraska 68410

Deanna D. Stukenholtz Haverty
 9611 Eastview Road
 Lincoln, Nebraska 68505

Kevin L. Stukenholtz
 755 North Walnut
 Wahoo, Nebraska 68066