

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12877

AND CANCELLATION OF APPROVAL OF PLAN 11418

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12877 is held by Larry L. Jacobitz and Randy L. Jacobitz.
2. A search of the records of the Adams County Register of Deeds indicates BCB Farms, L.L.C. owns an undivided one-half interest in the land appurtenant to appropriation A-12877 located in the N½ of Section 32, Township 07 North, Range 11 West of the 6<sup>th</sup> P.M. in Adams County, previously owned by Larry L. and Kimberly S. Jacobitz. Larry L. and Kimberly S. Jacobitz are the principals in BCB Farms, L.L.C.
3. The Department has received information that Randy L. Jacobitz's wife, Phyllis J. Jacobitz, may have a spousal interest in the land appurtenant to A-12877.
4. Appropriation A-12877 has a priority date of June 1, 1973, and authorizes the appropriator to store 42.8 acre-feet of water from a tributary to the West Branch of Thirty-Two Mile Creek in Vieselmeyer Reservoir located in the NE¼NW¼ of Section 32, Township 07 North, Range 11 West of the 6<sup>th</sup> P.M. in Adams County, as shown on plan 11418.
5. On April 4, 2016, Matthew D. Baack, legal counsel for landowners BCB Farms, L.L.C., Randy L. Jacobitz and Phyllis J. Jacobitz, filed a Relinquishment of Water Appropriation, REL-5612, in the office of the Department relinquishing the right to store water under appropriation A-12877 in Vieselmeyer Reservoir because the reservoir no longer exists.

ORDER

IT IS HEREBY ORDERED appropriation A-12877 and plan 11418 are CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 20, 2016

  
Gordon W. Fassett, 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 field office in Lincoln, Nebraska. A copy of this Order was mailed on May 20, 2016, to the following:

Larry L. & Kimberly S. Jacobitz  
BCB Farms, L.L.C.  
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