

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13064

CASE NUMBER 2013-58-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13064 is held by the Spence Family Limited Partnership and Flowing Springs Development, L.L.C.
2. A search of the records of the Gage County Register of Deeds indicates that a portion of the land appurtenant to appropriation A-13064 was divided into distinct parcels with multiple landowners. All of such appurtenant land is within the corporate city limits of Beatrice, Nebraska. Therefore, pursuant to *Nebraska Revised Statutes* 46-229.03, these landowners were served by publication of the notice in the Beatrice Daily Sun.
3. Appropriation A-13064 with a priority date of July 5, 1974, authorizes the use of water for irrigation of the 139.2 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NW¹/₄SW¹/₄ of Section 2, Township 3 North, Range 6 East of the 6th P.M. in Gage 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 1.99 cfs.

Township 3 North, Range 6 East of the
6th P.M. in Gage County Acres

Section 2:	NW ¹ / ₄ NW ¹ / ₄	31.5
	NE ¹ / ₄ NW ¹ / ₄	18.9
	SW ¹ / ₄ NW ¹ / ₄	33.5
	SE ¹ / ₄ NW ¹ / ₄	24.7
	NW ¹ / ₄ SW ¹ / ₄	<u>30.6</u>
	TOTAL	139.2

4. The Department has received information concerning the use of surface water appropriation A-13064 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

5. On December 24, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13064. The Notice was delivered by certified mail to Robin Spence, Spence Family Limited Partnership, 61055 720th Road, Steinauer, Nebraska 68441 and Louis Goossen, Flowing Springs Development, L.L.C., 2323 Scott Street, Beatrice, Nebraska 68310.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-13064 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-13064 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

February 19, 2014


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 February 19, 2014, to the following:

Robin Spence
Spence Family Limited Partnership
61055 720th Road
Steinauer, Nebraska 68441

Louis Goossen
Flowing Springs Development, L.L.C.
2323 Scott Street
Beatrice, Nebraska 68310