STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION D-1047

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-1047 is held by Roland F. Dorn.

2. The priority of appropriation D-1047 dates from the year 1868 and authorizes the use of water for generating power. The water may be diverted from the Big Blue River at a point of diversion located in the NE¼SE¼ of Section 17, Township 2 North, Range 7 East of the 6th P.M. in Gage County. The rate that water may be diverted shall not exceed a maximum rate of 450 cubic feet per second.

3. The Department has received information concerning the use of surface water appropriation D-1047 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

4. On January 20, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation D-1047. The notice was delivered by certified mail to Marjorie A. Dorn, Personal Representative of the Roland F. Dorn Estate, 109 West 1st Street, Blue Springs, Nebraska 68318; and to Jeffery W. Davis, CARLSON, SCHAEFER & DAVIS, 114 North 6th Street, Beatrice, Nebraska 68310.

5. No contest of the Preliminary Determination of Nonuse was received in the Department.

6. The Department has determined that appropriation D-1047 has not been used for its required purpose for more than five consecutive years.

7. *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 D-1047 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 17, 2012

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 field office in Lincoln, Nebraska. A copy of this Order was mailed on April 17, 2012, to the following:

Marjorie A. Dorn, Personal Representative of the
Roland F. Dorn Estate
109 West 1st Street
Blue Springs, Nebraska 68318

Jeffery W. Davis
CARLSON, SCHAEFER & DAVIS
114 North 6th Street
Beatrice, Nebraska 68310