

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18552 AND PLAN P-17120

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18552 is held by the Seward County Road Department.
2. Plan number P-17120 for surface water appropriation A-18552, was approved by the Department on October 5, 2009.
3. Appropriation A-18552, with a priority date of November 13, 2007, authorizes the impoundment of 29.3 acre-feet of water per year, stored in the 168<sup>th</sup> and Pioneers Road Reservoir, for the purpose of flood and erosion control. The 168<sup>th</sup> and Pioneers Road Dam was to extend from the SE $\frac{1}{4}$ NE $\frac{1}{4}$  into the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 9 North, Range 4 East of the 6<sup>th</sup> P.M. in Seward County.
4. On May 11, 2011, Russell L. Daehling, Highway Superintendent of the Seward County Road Department, filed in the Department correspondence that construction of the project had not begun by October 5, 2010.
5. Pursuant to *Neb. Rev. Stats.* 46-238(1), failure to begin actual construction of a reservoir for storage within twelve months after the approval of an application will result in forfeiture of the appropriation and all rights under the appropriation. Therefore, appropriation A-18552 and plan P-17120 should be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-18552 and plan P-17120 are CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 16, 2011

  
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. Copies of this Order and field investigation report were mailed on May 16, 2011, to the following:

Russell L. Daehling, Highway Superintendent  
Seward County Road Department  
320 South 14<sup>th</sup> Street  
Seward, Nebraska 68434