

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11622

CASE NUMBER 2013-12-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11622 is held by L & K Ag, LLC.
2. Appropriation A-11622 has a priority date of January 21, 1969, and authorizes the use of water for irrigation of the 69.2 acres of land described below. The water may be diverted from Weeping Water Creek at points of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 10 North, Range 13 East of the 6th P.M. in Cass County. The rate that water may be diverted shall not exceed 0.99 cubic foot per second (cfs).

Township 10 North, Range 13 East of the 6 th P.M. in Cass County	Acres
Section 22: NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.8
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>33.4</u>
TOTAL	69.2

3. The Department has received information concerning the use of surface water appropriation A-11622 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 9, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11622. The notice was delivered by certified mail to: L & K Ag, LLC, c/o Lynn Noerrlinger, 1518 O Street, Union, Nebraska 68455.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-11622 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 A-11622 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 16, 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 July 16, 2013, to the following:

L&K Ag LLC
c/o Lynn Noerrlinger
1518 O Street
Union, Nebraska 68455