

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11957

CASE NUMBER 2013-17-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11957 is held by Daniel H. and Sherril I. Repenning.
2. A search of the records of the Knox County Register of Deeds indicates the land appurtenant to appropriation A-11957 includes the names of owners that are different than the owners listed in Department records. These individuals are Rodney D. and Kayleen J. Repenning.
3. Appropriation A-11957 with a priority date of June 9, 1970, authorizes the use of water for irrigation of the 74 acres of land described below. The water may be diverted from Little Bazile Creek at points of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 30 North, Range 4 West of the 6th P.M. in Knox 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 combined rate of 1.06 cfs from all points of diversion.

Township 30 North, Range 4 West of the 6 th P.M. in Knox County	Acres
Section 21: SW $\frac{1}{4}$ SW $\frac{1}{4}$	27
SE $\frac{1}{4}$ SW $\frac{1}{4}$	24
Section 28: NE $\frac{1}{4}$ NW $\frac{1}{4}$	20
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>3</u>
TOTAL	74

4. The Department has received information concerning the use of surface water appropriation A-11957 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 9, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11957. The notice was delivered by certified mail to Daniel H. and Sherril I. Repenning, 209 West Benton Street, Bloomfield, Nebraska 68718; and to Rodney D. and Kayleen J. Repenning, 53621 877 Way, Bloomfield, Nebraska 68718.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-11957 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-11957 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 26, 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 Norfolk, Nebraska. A copy of this Order was mailed on July 26, 2013, to the following:

Daniel H. and Sherril I. Repenning
209 West Benton Street
Bloomfield, Nebraska 68718

Rodney D. and Kayleen J. Repenning
53621 877 Way
Bloomfield, Nebraska 68718