

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
CASE 2012-19-CC-1

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-7956

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-7956 is held by Geranium, LTD.
2. Appropriation A-7956 has a priority date of August 31, 1936, and authorizes the use of water for irrigation of the 152.5 acres of land described below. The water may be diverted from Nye Reservoir (storage appropriation A-2631) at a point of diversion located on in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 28 North, Range 5 West of the 6<sup>th</sup> P.M. in Antelope County. The amount of water that may be diverted shall not exceed 20 acre-feet.

<u>Township 28 North, Range 5 West of the</u>		
<u>6<sup>th</sup> P.M. in Antelope County</u>		<u>Acres</u>
Section 26:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.5
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	36.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>16.0</u>
	TOTAL	152.5

3. The Department has received information concerning the use of surface water appropriation A-7956 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 29, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-7956. The notice was delivered by certified mail to Geranium,LTD, c/o Lyle Joyce, 1604 Peton Court NE, Rochester, Minnesota 55906.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-7956 has not been used for its required purpose for more than five consecutive years.

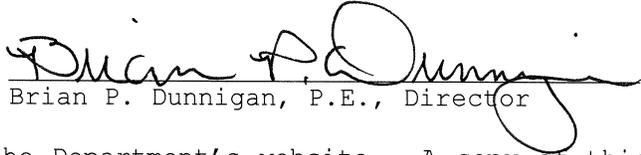
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-7956 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 6, 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 provided to the Department's Docket Clerk. A copy of this Order was mailed on August 6, 2012, to the following:

Geranium, LTD  
c/o Lyle Joyce  
1604 Peton Court NE  
Rochester, Minnesota 55906