

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8794

CASE NUMBER 2013-34-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8794 is held by Roger H. and Marie A. Ehlers.
2. Appropriation A-8794 with a priority date of September 4, 1956, authorizes the use of water for irrigation of the 69 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the right bank of the stream in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, Township 11 North, Range 3 East of the 6th P.M. in Seward 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 rate of 0.99 cfs.

Township 11 North, Range 3 East of the 6 th P.M. in Seward County		Acres
Section 18:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>33</u>
	TOTAL	69

3. The Department has received information concerning the use of surface water appropriation A-8794 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8794. The Notice was delivered by certified mail to Roger H. and Marie A. Ehlers, 2986 Bluff Road, Seward, Nebraska 68434.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8794 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-8794 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 8, 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 August 8, 2013, to the following:

Roger H. and Marie A. Ehlers
2986 Bluff Road
Seward, Nebraska 68434