

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15036C

CASE NUMBER 2014-14-PD-1

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15036C is held by the Linda Carlson Living Trust.
2. Appropriation A-15036C with a priority date of July 18, 1977, authorizes the use of water for irrigation of the 95.8 acres of land described below. The water may be diverted from Kuzelka Reservoir No. 2 at a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 14 North, Range 4 East of the 6th P.M. in Butler County. The amount of water that may be diverted shall not exceed 28.66 acre-feet.

Township 14 North, Range 4 East of the	
<u>6th P.M. in Butler County</u>	
	<u>Acres</u>
Section 17: SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.9
SE $\frac{1}{4}$ NE $\frac{1}{4}$	18.9
NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>26.0</u>
TOTAL	95.8

3. The Department has received information concerning the use of surface water appropriation A-15036C that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 26, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15036C. The Notice was delivered by certified mail to Linda Carlson, Trustee, Linda Carlson Living Trust, 128 Pine Ridge Road, David City, Nebraska 68632.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-15036C has not been used for its required purpose for more than five consecutive years.

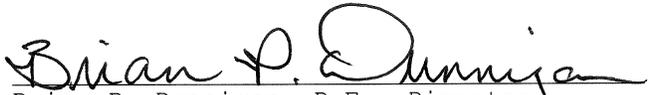
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-15036C is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 22, 2014


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 May 22, 2014, to the following:

Linda Carlson, Trustee
Linda Carlson Living Trust
128 Pine Ridge Road
David City, Nebraska 68632