

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-17056

CASE NUMBER 2014-13-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17056 is held by the George M. Schinker Revocable Trust, and the Mary Lou Schinker Revocable Trust.
2. Appropriation A-17056 has a priority date of March 11, 1991, and authorizes the use of water for irrigation of the 36 acres of land described below. The water may be diverted from Swan Creek at a point of diversion located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 5 North, Range 3 East of the 6th P.M. in Saline County. The rate that water may be diverted shall not exceed 0.51 cubic foot per second (cfs).

Township 5 North, Range 3 East of the 6 th P.M. in Saline County	Acres
Section 23: SW $\frac{1}{4}$ NW $\frac{1}{4}$	5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>31</u>
TOTAL	36

3. The Department has received information concerning the use of surface water appropriation A-17056 and determined that 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-17056. The Notice was delivered by certified mail to George M. Schinker Revocable Trust, c/o George Schinker, Trustee, 2455 County Road 9, Fremont, Nebraska 68025; and to Mary Lou Schinker Revocable Trust, c/o Mary Lou Schinker, Trustee, 2455 County Road 9, Fremont, Nebraska 68025; and to Farmers National Company, Andy Hubert, P.O. Box 105, Geneva, Nebraska 68361.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-17056 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-17056 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:

George M. Schinker Revocable Trust
c/o George Schinker, Trustee
2455 County Road 9
Fremont, Nebraska 68025

Farmers National Company
Andy Hubert
P.O. Box 105
Geneva, Nebraska 68361

Mary Lou Schinker Revocable Trust
c/o Mary Lou Schinker, Trustee
2455 County Road 9
Fremont, Nebraska 68025

Brian Mussman, Operator
2003 Road U
Ohiowa, Nebraska 68416