

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-2263DR

CASE NUMBER 2014-16-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2263DR is held by Marilyn Jean Harden.
2. Appropriation A-2263DR with a priority date of March 18, 1932, authorizes the use of water for irrigation of the 40 acres of land described below. The water may be diverted from the North Loup River at points of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14 and in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, both in Township 22 North, Range 20 West of the 6th P.M. in Loup 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 0.57 cfs from all points of diversion.

Township 22 North, Range 20 West of the 6 th P.M. in Loup County		Acres
Section 13:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>20</u>
	TOTAL	40

3. The Department has received information concerning the use of surface water appropriation A-2263DR that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On April 29, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-2263DR. The Notice was delivered by certified mail to Marilyn Jean Harden, 83409 Lonesome Pine Avenue, Taylor, Nebraska 68879.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-2263DR 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-2263DR is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 10, 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 Ord, Nebraska. A copy of this Order was mailed on July 10, 2014, to the following:

Marilyn Jean Harden
83409 Lonesome Pine Avenue
Taylor, Nebraska 68879