

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-7047

CASE NUMBER 2016-17-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-7047 is held by Lowell and Carol Fisher.
2. Appropriation A-7047 with a priority date of January 27, 1955, authorizes the use of water for irrigation of the 59.6 acres of land described below. The water may be diverted from Ponca Creek at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 34 North, Range 12 West of the 6th P.M. in Boyd County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 130 acres irrigated at a maximum combined rate of 0.46 cfs from both points of diversion.

<u>Township 34 North, Range 12 West of the</u> <u>6th P.M. in Boyd County</u>	<u>Acres</u>
Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.1
NW $\frac{1}{4}$ SE $\frac{1}{4}$	25.4
NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.7
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.0</u>
TOTAL	59.6

3. The Department has received information concerning the use of surface water appropriation A-7047 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 24, 2016, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-7047. The Notice was delivered by certified mail to Lowell and Carol Fisher, 48979 Nordic Road, Spencer, Nebraska 68777.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.

6. The Department has determined that appropriation A-7047 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-7047 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 8, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Ord, Nebraska. A copy of this Order was mailed on August 8, 2016, to the following:

Lowell and Carol Fisher
48979 Nordic Road
Spencer, Nebraska 68777