

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16693

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16693 is held by Frances Cunningham and Clarence Brahmsteadt.
2. Appropriation A-16693 with a priority date of August 3, 1988, authorizes the use of water for irrigation of the 18.0 acres of land described below. The water may be diverted from Lincoln Creek at points of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 11 North, Range 2 West of the 6th P.M. in York County. The rate that water may be diverted shall not exceed 0.26 cubic foot per second (cfs).

<u>Township 11 North, Range 2 West of the</u>		
<u>6th P.M. in York County</u>		<u>Acres</u>
Section 4:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.4</u>
	TOTAL	18.0

3. The Department has received information concerning the use of surface water appropriation A-16693 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On January 20, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16693. The notice was delivered by certified mail to Frances Cunningham, 1104 23rd Street, Sioux City, Iowa 51104, and to Clarence F. Brahmsteadt, 508 Farmers, Waco, Nebraska 68460.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-16693 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-16693 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 17, 2012


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 field office in Lincoln, Nebraska. A copy of this Order was mailed on April 17, 2012, to the following:

Frances Cunningham
1104 23rd Street
Sioux City, Iowa 51104

Clarence F. Brahmsteadt
508 Farmers
Waco, Nebraska 68460