

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8892A

CASE NUMBER 2014-2-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8892A is held by Mildred Fisher.
2. Appropriation A-8892A with a priority date of October 9, 1956, authorizes the use of water for irrigation of the 16.4 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 14 North, Range 17 West of the 6th P.M. in Custer 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 rate of 0.23 cfs.

<u>Township 14 North, Range 17 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 13: NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>6.4</u>
TOTAL	16.4

3. The Department has received information concerning the use of surface water appropriation A-8892A that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On January 10, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8892A. The Notice was delivered by certified mail to Mildred Fisher, 78375 Highway 2, Litchfield, Nebraska 68852.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8892A 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-8892A is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

February 19, 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 February 19, 2014, to the following:

Mildred Fisher
78375 Highway 2
Litchfield, Nebraska 68852