

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11837

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11837 is held by Helen Smith.
2. Appropriation A-11837 with a priority date of December 5, 1969, authorizes the use of water for irrigation of the 18 acres of land described below. The water may be diverted from Dry Creek at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 12 North, Range 16 West of the 6th P.M. in Buffalo 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 0.26 cfs.

Township 12 North, Range 16 West of the
6th P.M. in Buffalo County Acres

Section 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 18

3. The Department has received information concerning the use of surface water appropriation A-11837 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 28, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11837. The notice was delivered by certified mail to Sharon Blue, 54360 24th, Shelton, Nebraska, 68876; and to Helen Smith, 31350 Hawk Road, Pleasanton, Nebraska, 68866.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-11837 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-11837 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 25, 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 Ord, Nebraska. A copy of this Order was mailed on April 25, 2012, to the following:

Sharon Blue
54360 24th Road
Shelton, Nebraska 68876

Helen Smith
31350 Hawk Road
Pleasanton, Nebraska 68866