

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-15294

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-15294 is held by Amsberry, Amsberry & Amsberry.
2. Appropriation A-15294 authorizes the use of water for irrigation of the 65.9 acres of land described below. The water may be diverted from Mud (Beaver) Creek at points of diversion located on both banks of the stream in the N1/2NE1/4 of Section 16, Township 15 North, Range 18 West of the 6<sup>th</sup> 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 0.94 cfs.

| <u>Township 15 North, Range 18 West of the</u> |       |
|--|-------|
| <u>6<sup>th</sup> P.M. in custer County</u>    |       |
|  | Acres |
| Section 16: NW $\frac{1}{4}$ NE $\frac{1}{4}$  | 14.7  |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$              | 18.5  |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$              | 24.0  |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$              | 8.7   |
| TOTAL  | 65.9  |

On January 27, 2009, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15294. The notice was delivered by certified mail to Amsberry, Amsberry, & Amsberry, c/o Rollie, Gary, and Rod Amsberry, P.O. Box 402, Ansley, NE 68814

3. No contest of the Preliminary Determination of Nonuse was received in the Department.
4. A review of Department records indicated that the point of diversion in the NW1/4NE1/4 of Section 16, Township 15 North, Range 18 West of the 6<sup>th</sup> P.M. in Custer County has not been used, and that only the following acres have not been irrigated with Appropriation A-15294, within the past five years.

| <u>Township 15 North, Range 18 West of the</u> |       |
|--|-------|
| <u>6<sup>th</sup> P.M. in custer County</u>    |       |
|  | Acres |
| Section 16: NW $\frac{1}{4}$ NE $\frac{1}{4}$  | 14.7  |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$              | 5.4   |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$              | 24.0  |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$              | 6.5   |
| TOTAL  | 50.6  |



This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

March 4, 2009

  
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 March 4, 2009 to the following:

Amsberry, Amsberry, & Amsberry  
c/o Rollie, Gary, and Rod Amsberry  
P.O. Box 402  
Ansley, NE 68814