

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15794

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15794 is held by Vivian Burns.
2. Appropriation A-15794 authorizes the use of water for irrigation of the 40 acres of land described below. The water may be diverted from the Mud (Beaver) Creek at a point of diversion located on the left bank of the stream in the SW1/4SW1/4 of Section 33, Township 15 North, Range 17 West of the 6th P.M. in Custer County, Nebraska. 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 0.57 cfs.

Township 15 North, Range 17 West of the 6 th P.M. in Custer County		Acres
Section 33:	SW1/4SW1/4	22
	SE1/4SW1/4	18
	TOTAL	40

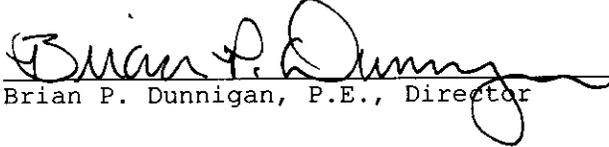
3. On March 16, 2009, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15794. The notice was delivered by certified mail to Vivian Burns, 45829 Road 787, Mason City, NE 68855.
4. No contest of the Preliminary Determination of Nonuse was received in the Department.
5. Nebraska Revised Statutes Section 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-15794 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 17, 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 April 17th, 2009, to the following:

Vivian Burns
45829 Road 787
Mason City, NE 68855

Rodney Royle
45829 Road 787
Mason City, NE 68855