

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16348

WATER DIVISION 2-A

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16348 is held by Frank Warren.
2. Appropriation A-16348 authorizes the use of water for irrigation of the 37.2 acres of land described below. The water may be diverted from Middle Loup River at a point of diversion located on the north bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 23 North, Range 29 West of the 6th P.M. in Thomas 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 0.53 cfs.

Township 23 North, Range 29 West of the		
<u>6th P.M. in Thomas County</u>		<u>Acres</u>
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>20.0</u>
	TOTAL	37.2

3. On March 20, 2009, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16348. The notice was delivered by certified mail to Frank Warren, 38808 Highway 2, Thedford, NE 69166.
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.

