

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16764

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16764 is held by Phelps Ranch Inc.
2. Appropriation A-16764 with a priority date of March 29, 1989, authorizes the use of water for irrigation of the 51.8 acres of land described below. The water may be diverted from Wiggle Creek at a point of diversion located on the north bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 15 North, Range 23 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 0.74 cfs.

Township 15 North, Range 23 West of the 6 th P.M. in Custer County		Acres
Section 3:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>18.2</u>
	TOTAL	51.8

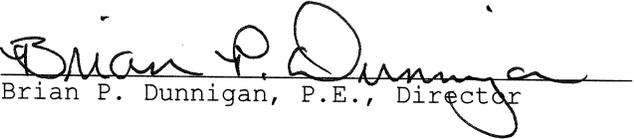
3. The Department has received information concerning the use of surface water appropriation A-16764 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 28, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16764. The notice was delivered by certified mail to Phelps Ranch Inc. c/o Mary Phelps, President, P.O. Box 206, Callaway, Nebraska, 68825.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-16764 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-16764 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:

Phelps Ranch Inc.
c/o Mary Phelps, President
P.O. Box 206
Callaway, Nebraska 68825