

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-4618

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4618 is held by Paulsen Farms Inc.
2. Appropriation A-4618 with a priority date of March 14, 1950, authorizes the use of water for irrigation of the 93 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the east bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 15 North, Range 21 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 105 acres irrigated at a maximum rate of 0.89 cfs.

Township 15 North, Range 21 West of the  
6<sup>th</sup> P.M. in Custer County Acres

Section 30: NW $\frac{1}{4}$ NW $\frac{1}{4}$	30
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24
SW $\frac{1}{4}$ NW $\frac{1}{4}$	19
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>20</u>
TOTAL	93

3. The Department has received information concerning the use of surface water appropriation A-4618 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 9, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-4618. The notice was delivered by certified mail to Griffith Family c/o Bobbie A. & Eileen Ann Griffith, Trustees, 1255 Catalina Avenue, Seal Beach, California, 90740-5857.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-4618 has not been used for its required purpose for more than five consecutive years.

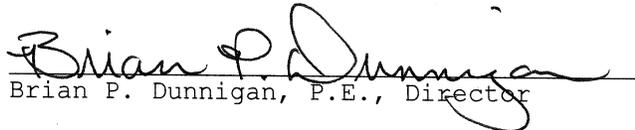
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-4618 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:

Griffith Family Trust  
c/o Bobbie A. & Eileen Ann Griffith, Trustees  
1225 Catalina Avenue  
Seal Beach, California 90740-5857