

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-6359

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6359 is held by James B. and Holly L. Eckhout.
2. Appropriation A-6359 with a priority date of June 7, 1954, authorizes the use of water for irrigation of the 47.5 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 $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 12 North, Range 17 West of the 6th P.M. in Buffalo 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 0.42 cfs.

Township 12 North, Range 17 West of the	
<u>6th P.M. in Buffalo County</u>	
	Acres
Section 16: NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>13.5</u>
TOTAL	47.5

3. The Department has received information concerning the use of surface water appropriation A-6359 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 27, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-6359. The notice was delivered by certified mail to James B. Eckhout, 3120 58th Avenue, Kearney, Nebraska, 68845.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-6359 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-6359 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:

James B. and Holly L. Eckhout
3120 58th Avenue
Kearney, Nebraska 68845