

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13489B

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13489B is held by Bernard E. and Mary Lou Jones.
2. Appropriation A-13489B with a priority date of March 21, 1975, authorizes the use of water for irrigation of the 63.0 acres of land described below. The water may be diverted from Medicine Creek at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 4 North, Range 25 West of the 6th P.M. in Furnas County. The rate that water may be diverted shall not exceed 0.9 cubic foot per second (cfs).

<u>Township 4 North, Range 25 West of the</u>		
<u>6th P.M. in Furnas County</u>		<u>Acres</u>
Section 28:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	22.5
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>2.5</u>
	TOTAL	63.0

3. The Department has received information concerning the use of surface water appropriation A-13489B that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On August 17, 2011, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13489B. The notice was delivered by certified mail to Bernard E. and Mary Lou Jones, 41043 Highway 6 and 34, Cambridge, Nebraska 69022; and to City of Cambridge, c/o Tom Patterson, Patterson Law Office, 620 Patterson Street, Cambridge, NE 69022.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13489B has not been used for its required purpose for more than five consecutive years.

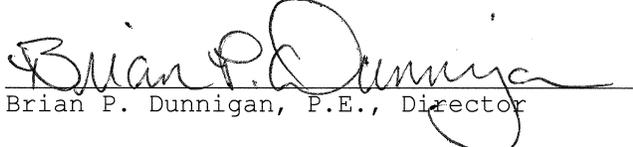
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-13489B is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 13, 2011


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 Cambridge, Nebraska. A copy of this Order was mailed on October 13, 2011, to the following:

Bernard E. and Mary Lou Jones
41043 Highway 6 and 34
Cambridge, Nebraska 69022

City of Cambridge
c/o Tom Patterson
Patterson Law Office
620 Patterson Street
Cambridge, Nebraska 69022