

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13818

CASE NUMBER 2013-36-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13818 is held by Bernard G. and Mildred R. Sukup.
2. The Department has received information that Mildred R. Sukup was preceded in death by Bernard G. Sukup and that Alan Sukup is the Personal Representative of the Estate of Mildred R. Sukup.
3. Appropriation A-13818 with a priority date of September 22, 1975, authorizes the use of water for irrigation of the 122 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at a point of diversion located on the right bank of the stream in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 10, Township 30 North, Range 7 West of the 6<sup>th</sup> P.M. in Knox 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 1.74 cfs.

Township 30 North, Range 7 West of the 6 <sup>th</sup> P.M. in Knox County	Acres
Section 9: SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	31
SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	30
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	23
Section 10: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	38
TOTAL	122

4. The Department has received information concerning the use of surface water appropriation A-13818 that indicates a portion of appropriation A-13818 has not been used for its required purpose for more than five consecutive years.
5. On June 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13818. The Notice was sent by certified mail to Alan Sukup, Personal Representative, Estate of Mildred R. Sukup, 51848 880<sup>th</sup> Road, Verdigre, Nebraska 68783.
6. On July 24, 2013, the certified mailing was returned to the Department unclaimed.

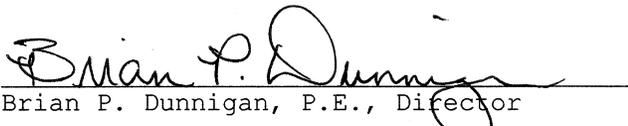
7. Subsequently, the Department received additional information concerning the use of surface water appropriation A-13818 that indicates the entire appropriation has not been used for its required purpose for more than five consecutive years
8. On August 5, 2013, the Department issued a second Notice of Preliminary Determination of Nonuse of appropriation A-13818. The Notice was published in The Verdigre Eagle and sent by certified mail to Sheriff Donald Henery, P.O. Box 142, Center, Nebraska 68724.
9. On August 7, 2013, Deputy Drew Marshall personally delivered to Alan Sukup the Notice of Preliminary Determination of Nonuse of appropriation A-13818.
10. No contest of the Preliminary Determination of Nonuse was received in the Department.
11. The Department has determined that appropriation A-13818 has not been used for its required purpose for more than five consecutive years.
12. *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-13818 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 10, 2013

  
 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 docket clerk and field office in Ord, Nebraska. A copy of this Order was mailed on October 10, 2013, to the following:

Alan Sukup, Personal Representative  
 Estate of Mildred R. Sukup  
 51848 880<sup>th</sup> Road  
 Verdigre, Nebraska 68783

Steven Archbold, Attorney  
 201 North Broadway Street  
 Bloomfield, Nebraska 68718-4000