

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-1848

CASE NUMBER 2013-49-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-1848 is held by Nadine A. Franssen.
2. A search of the records of the Custer County Register of Deeds indicates the land appurtenant to appropriation A-1848 is owned by Nadine A. Franssen and the Lavern A. Franssen Family Trust.
3. Appropriation A-1848 with a priority date of August 20, 1926, authorizes the use of water for irrigation of the 84.39 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located in the NW¹/₄NW¹/₄ of Section 13, Township 14 North, Range 17 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 1.21 cfs.

Township 14 North, Range 17 West of the
6th P.M. in Custer County

	Acres
Section 13: NW ¹ / ₄ NW ¹ / ₄	17.99
NE ¹ / ₄ NW ¹ / ₄	9.09
SW ¹ / ₄ NW ¹ / ₄	18.30
SE ¹ / ₄ NW ¹ / ₄	<u>39.01</u>
TOTAL	84.39

4. The Department has received information concerning the use of surface water appropriation A-1848 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On September 4, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-1848. The Notice was delivered by certified mail to Nadine A. Franssen, 78330 Highway 2, Litchfield, Nebraska 68852 and Lavern A. Franssen Family Trust, Nadine A. Franssen, Trustee, 78330 Highway 2, Litchfield, Nebraska 68852.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

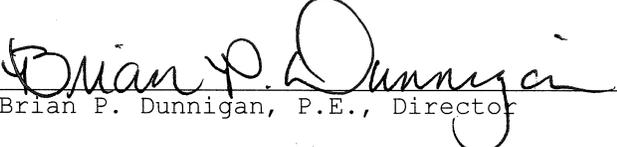
7. The Department has determined that appropriation A-1848 has not been used for its required purpose for more than five consecutive years.
8. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-1848 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 25, 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 25, 2013, to the following:

Nadine A. Franssen
78330 Highway 2
Litchfield, Nebraska 68852

Lavern A. Franssen Family Trust
Nadine A. Franssen, Trustee
78330 Highway 2
Litchfield, Nebraska 68852