

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-2564

CASE NUMBER 2012-41-CC-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2564 is held by Kenneth L. Mulford.
2. The Department has received information that Kenneth L. Mulford is deceased and that his estate has not been settled. He had two surviving sons, Terry L. Mulford and Harley D. Mulford.
3. Appropriation A-2564 has a priority date of October 25, 1935, and authorizes the use of water for irrigation of the 2.0 acres of land described below. The water may be diverted from a tributary to Bazile Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 29 North, Range 5 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed 0.03 cubic foot per second (cfs).

Township 29 North, Range 5 West of the 6 th P.M. in Knox County		Acres
Section 21:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>1.9</u>
	TOTAL	2.0

4. The Department has received information concerning the use of surface water appropriation A-2564 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On October 23, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-2564. The notice was delivered by certified mail to Kenneth L. Mulford, c/o Terry L. Mulford, 820 West 10th Street, Fremont, Nebraska 68025, and to Kenneth L. Mulford, c/o Harley D. Mulford, 3008 Lafayette Avenue, Omaha, Nebraska 68131.

6. On October 24, October 31, and November 7, 2012, the Department published Notice of Preliminary Determination of Nonuse of appropriation A-2564 in the Creighton News. No one filed a contest of the proceedings by the December 7, 2012, deadline.
7. On November 20, 2012, the notice, sent by certified mail, addressed to Kenneth L. Mulford, c/o Terry L. Mulford, 820 West 10th Street, Fremont, Nebraska 68025 was returned unclaimed to the Department.
8. No contest of the Preliminary Determination of Nonuse was received in the Department.
9. The Department has determined that appropriation A-2564 has not been used for its required purpose for more than five consecutive years.
10. *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-2564 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

December 26, 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 docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed on December 26, 2012, to the following:

Kenneth L. Mulford
 c/o Terry L. Mulford
 820 West 10th Street
 Fremont, Nebraska 68025

Kenneth L. Mulford
 c/o Harley D. Mulford
 3008 Lafayette Avenue
 Omaha, Nebraska 68131