

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11459

CASE NUMBER 2013-52-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11459 is held by Kent R. and Dorrita L. Helm.
2. Appropriation A-11459 with a priority date of June 24, 1968, authorizes the use of water for irrigation of the 34.8 acres of land described below. The water may be diverted from Bean Creek at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and from the left bank in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 20 North, Range 15 West of the 6th P.M. in Valley 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 combined rate of 0.50 cfs from all points of diversion.

Township 20 North, Range 15 West of the 6 th P.M. in Valley County	Acres
Section 10: SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$	9.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>2.0</u>
TOTAL	34.8

3. The Department has received information concerning the use of surface water appropriation A-11459 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On October 8, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11459. The Notice was delivered by certified mail to Kent R. and Dorrita L. Helm, 82079 Fort Avenue, Burwell, Nebraska 68823.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.

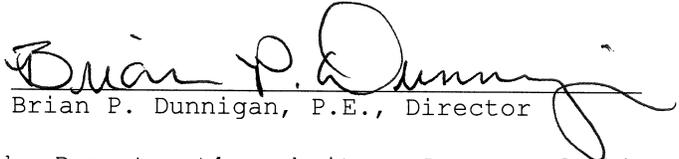
6. The Department has determined that appropriation A-11459 has not been used for its required purpose for more than five consecutive years.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-11459 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

December 9, 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 December 9, 2013, to the following:

Kent R. and Dorrita L. Helm
82079 Fort Avenue
Burwell, Nebraska 68823