STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15096

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15096 is held by Kimberly and Bruce Koch.

2. A search of the records of the Brown County Assessor indicates the land appurtenant to appropriation A-15096 includes the name of an owner that is different than the owners listed in Department records. This individual is Donna Rae Miller. However, Department staff received information that Donna Rae Miller's interest in the property has been conveyed to Bruce and Kimberly Koch. Donna Rae Miller is included in this action solely because her name resides in the Brown County Assessor's records for the land appurtenant to appropriation A-15096.

3. Appropriation A-15096 has a priority date of August 29, 1977, and authorizes the use of water for irrigation of the 21.5 acres of land described below. The water may be diverted from Bone Creek at a point of diversion located on the right bank of the stream in the SE¼NW¼ of Section 34, Township 31 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.31 cubic foot per second (cfs).

Township 31 North, Range 21 West of the 6th P.M. in Brown County		Acres
Section 34:	SE¼NW¼	9.2
	SW¼NE¼	2.9
	NW¼SW¼	8.9
	NW¼SE¼	0.5
	TOTAL	21.5

3. The Department has received information concerning the use of surface water appropriation A-15096 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

4. On April 28, 2010, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15096. The notice was delivered by certified mail to Kimberly and Bruce Koch, 2204 Dane Creek Drive, Ord, Nebraska 68862; and to Donna Rae Miller, 6026 East Pershing Boulevard, Cheyenne, Wyoming 82001-7236.

5. No contest of the Preliminary Determination of Nonuse was received in the Department.

6. The Department has determined that appropriation A-15096 has not been used for its required purpose for more than five consecutive years.

7. Nebraska Revised Statutes Section 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-15096 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

June 10, 2010

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 Ord, Nebraska. A copy of this Order was mailed on June 10, 2010, to the following:

Kimberly and Bruce Koch
2204 Dane Creek Drive
Ord, Nebraska 68862

Donna Rae Miller
6026 East Pershing Boulevard
Cheyenne, Wyoming 82001-7236