

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18220

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18220 is held by Nancy Athey.
2. Appropriation A-18220, with a priority date of March 18, 2004, authorizes the use of water for irrigation of the 97 acres of land described below. The water may be diverted from North Omaha Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, Township 25 North, Range 8 East of the 6<sup>th</sup> P.M. in Thurston County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.39 cfs.

| <u>Township 25 North, Range 8 East of the</u> |                                   |              |
|---|-----------------------------------|--------------|
| <u>6<sup>th</sup> P.M. in Thurston County</u> |                                   | <u>Acres</u> |
| Section 3:                                    | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 25           |
|   | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 36           |
|   | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 34           |
|   | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 1            |
|   | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | <u>1</u>     |
|   | TOTAL                             | 97           |

3. The approval of appropriation A-18220 was conditional upon the irrigation of the above land by September 1, 2006.
4. Department personnel performed a field investigation and determined the land approved for irrigation under appropriation A-18220 had not been irrigated by September 1, 2006.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED appropriation A-18220 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

January 24, 2014

  
 Brian P. Dunnigan, P.E., Director

A-18220 9806 FIR-277 Athey BU Cancel in Full ORD  
 sw - 01242014 - 9806 - ord  
 mod - 01242014 - 277 - ord

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 Norfolk, Nebraska. Copies of this Order and field investigation report were mailed on January 24, 2014, to the following:

Nancy Athey  
2660 I Avenue  
Walthill, Nebraska 68067

Bill Athey  
744 17<sup>th</sup> Road  
Pender, Nebraska 68047