

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8436B

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8436B is held by Tierney Land & Cattle, Inc.
2. Appropriation A-8436B with a priority date of March 19, 1956, authorizes the use of water for irrigation of the 33 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 14 North, Range 21 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 110 acres irrigated at a maximum rate of 0.30 cfs.

Township 14 North, Range 21 West of the
6th P.M. in Custer County Acres

Section 11: SW $\frac{1}{4}$ SW $\frac{1}{4}$ 33

3. The Department has received information concerning the use of surface water appropriation A-8436B that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 27, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8436B. The notice was delivered by certified mail to Tierney Land & Cattle, Inc., c/o Mike & Kathy Tierney, 78520 Drive 436, Broken Bow, Nebraska, 68822.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8436B 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-8436B is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April, 25, 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 field office in Ord, Nebraska. A copy of this Order was mailed on April 25, 2012, to the following:

Tierney Land & Cattle, Inc.
c/o Mike & Kathy Tierney
78520 Drive 436
Broken Bow, Nebraska 68822