

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10399

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10399 is held by Carl Rasmussen.
2. Appropriation A-10399 has a priority date of July 24, 1964, and authorizes the use of water for irrigation of the 114 acres of land described below. The water may be diverted from the South Loup River at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 12 North, Range 16 West of the 6th P.M. in Buffalo County. The rate that water may be diverted shall not exceed 1.63 cubic feet per second (cfs).

Township 12 North, Range 16 West of the 6 th P.M. in Buffalo County		Acres
Section 36:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	19
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	27
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>8</u>
	TOTAL	114

3. The Department has received information concerning the use of surface water appropriation A-10399 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On April 19, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10399. The notice was delivered by certified mail to Carl Rasmussen, 29755 Highway 10, Pleasanton, Nebraska, 68866; Gehlert Rasmussen, 25410 280th Road, Pleasanton, Nebraska, 68866; Lance A. Otto, P.O. Box 21, Pleasanton, Nebraska, 68866; Lisa S. Hopkins, P.O. Box 21, Pleasanton, Nebraska, 68866; David S. & Heather R. Stubbs, 29110 295th Road, Pleasanton, Nebraska, 68866; Keith L. Rasmussen, P.O. Box 21, Pleasanton, Nebraska, 68866; and Keith D. Rasmussen, P.O. Box 21, Pleasanton, Nebraska, 68866.

5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-10399 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-10399 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 7, 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 Lincoln, Nebraska. A copy of this Order was mailed on August 7, 2012, to the following:

Carl Rasmussen
29755 Highway 10
Pleasanton, Nebraska 68866

Gehlert Rasmussen
25410 280th Road
Pleasanton, Nebraska 68866

Lance A. Otto
P.O. Box 21
Pleasanton, Nebraska 68866

Lisa S. Hopkins
P.O. Box 21
Pleasanton, Nebraska 68866

David S. & Heather R. Stubbs
29110 295th Road
Pleasanton, Nebraska 68866

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Pleasanton, Nebraska 68866

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