

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11632A

CASE NUMBER 2013-6-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11632A is held by Wendell and Betty Rohrer.
2. Appropriation A-11632A with a priority date of February 3, 1969, authorizes the use of water for irrigation of the 51.8 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at points of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 30 North, Range 7 West of the 6th P.M. in Knox 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 0.74 cfs from all points of diversion.

Township 30 North, Range 7 West of the		
<u>6th P.M. in Knox County</u>		<u>Acres</u>
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.0
Section 6:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>22.8</u>
	TOTAL	51.8

3. The Department has received information concerning the use of surface water appropriation A-11632A that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 26, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11632A. The notice was delivered by certified mail to Wendell and Betty Rohrer, 88267 519th Avenue, Verdigre, Nebraska 68783.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-11632A 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-11632A is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 3, 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 May 3, 2013, to the following:

Wendell and Betty Rohrer
88267 519th Avenue
Verdigre, Nebraska 68783