STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14221

CASE NUMBER 2013-13-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14221 is held by David N. and Mary Lou Baxter.

2. Appropriation A-14221 has a priority date of May 12, 1976, and authorizes the use of water for irrigation of the 158.35 acres of land described below. The water may be diverted from the South Branch of Weeping Water Creek at points of diversion located on both banks of the stream in the NE¼NW¼, and on the left bank in the S½NE¼ of Section 27, Township 10 North, Range 11 East of the 6th P.M. in Cass County. The rate that water may be diverted shall not exceed 2.26 cubic feet per second (cfs).

Township 10 North, Range 11 East of the 6th P.M. in Cass County		Acres
Section 27:	NE¼NW¼	24.00
	SE¼NW¼	39.40
	NW¼NE¼	32.30
	NE¼NE¼	36.00
	SW¼NE¼	26.40
	SE¼NE¼	0.25
	TOTAL	158.35

3. The Department has received information concerning the use of surface water appropriation A-14221 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.

4. On May 9, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14221. The notice was delivered by certified mail to: David N. and Mary Lou Baxter, 3612 Highway 50, Weeping Water, Nebraska 68463; and to Farmers and Merchants State Bank, 201 West Eldora Avenue, P.O. Box 187, Weeping Water, Nebraska 68463.

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

6. The Department has determined that appropriation A-14221 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-14221 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 16, 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 Lincoln, Nebraska. A copy of this Order was mailed on July 16, 2013, to the following:

David N. and Mary Lou Baxter
3612 Highway 50
Weeping Water, Nebraska 68463

Farmers and Merchants State Bank
201 West Eldora Avenue
P.O. Box 187
Weeping Water, Nebraska 68463