

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14256

CASE NUMBER 2013-15-PD-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14256 is held by T. M. & Faith Davies.
2. A search of the records of the Cass County Register of Deeds indicates the land appurtenant to appropriation A-14256 includes land included in the right-of-way for a State Highway, by the State of Nebraska, Department of Roads; and includes the name of an owner that is different than the owners listed in Department records. The owner is R & P Baxter Land LLC.
3. Appropriation A-14256 has a priority date of June 4, 1976, and authorizes the use of water for irrigation of the 75.3 acres of land described below. The water may be diverted from the South Branch of Weeping Water Creek at a point of diversion located on the right bank of the stream in the NW¹/₄NW¹/₄ 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 1.08 cubic feet per second (cfs).

Township 10 North, Range 11 East of the 6 th P.M. in Cass County		Acres
Section 27:	NW ¹ / ₄ NW ¹ / ₄	37.3
	SW ¹ / ₄ NW ¹ / ₄	<u>38.0</u>
	TOTAL	75.3

4. The Department has received information concerning the use of surface water appropriation A-14256 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 9, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14256. The notice was delivered by certified mail to: T. M. & Faith Davies, c/o First National Bank, 134 South 13th Street, Suite 100, Lincoln, Nebraska 68508; R & P Baxter Land, LLC, 9014 A Street, Nehawka, Nebraska 68413; Robert Frickel, Right-of-Way Manager, Nebraska Department of Roads, 1500 Highway 2, P.O. Box 94759, Lincoln, Nebraska 68509; and to Farm Credit Services of America, 855 Fallbrook Boulevard, Lincoln, Nebraska 68521.

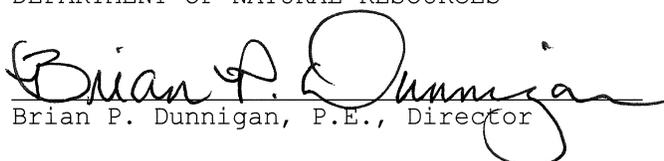
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-14256 has not been used for its required purpose for more than five consecutive years.
8. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-14256 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:

T. M. & Faith Davies
c/o First National Bank
134 South 13th Street, Suite 100
Lincoln, Nebraska 68508

Robert Frickel, Right-of-Way Manager
Nebraska Department of Roads
P.O. Box 94759
Lincoln, Nebraska 68509
INTERAGENCY

R & P Baxter Land, LLC
9014 A Street
Nehawka, Nebraska 68413

Farm Credit Services of America
855 Fallbrook Boulevard
Lincoln, Nebraska 68524