

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16839

CASE NUMBER 2013-47-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16839 is held by Bernard G. and Mildred R. Sukup.
2. The Department has received information that Mildred R. Sukup was preceded in death by Bernard G. Sukup and that Alan Sukup is the Personal Representative of the Estate of Mildred R. Sukup.
3. Appropriation A-16839 with a priority date of July 7, 1989, authorizes the use of water for irrigation of the 58.4 acres of land described below. The water may be diverted from the North Branch of Verdigre Creek at a point of diversion located on the south bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 30 North, Range 7 West of the 6<sup>th</sup> 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 rate of 0.83 cfs.

Township 30 North, Range 7 West of the  
6<sup>th</sup> P.M. in Knox County

	Acres
Section 16: NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>30.6</u>
TOTAL	58.4

4. The Department has received information concerning the use of surface water appropriation A-16839 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On August 5, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16839. The Notice was published in The Verdigre Eagle and sent by certified mail to Sheriff Donald Henery, P.O. Box 142, Center, Nebraska 68724.
6. On August 7, 2013, Deputy Drew Marshall personally delivered to Alan Sukup the Notice of Preliminary Determination of Nonuse of appropriation A-16839.

7. No contest of the Preliminary Determination of Nonuse was received in the Department.
8. The Department has determined that appropriation A-16839 has not been used for its required purpose for more than five consecutive years.
9. *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-16839 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 10, 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 October 10, 2013, to the following:

Alan Sukup, Personal Representative  
Estate of Mildred R. Sukup  
51848 880<sup>th</sup> Road  
Verdigre, Nebraska 68783

Steven Archbold, Attorney  
201 North Broadway Street  
Bloomfield, Nebraska 68718-4000