

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-3912BR

CASE NUMBER 2012-40-CC-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3912BR is held by Keith A. and Sara J. Walker.
2. Appropriation A-3912BR with a priority date of June 5, 1946, authorizes the use of water for irrigation of the 12.0 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 15 North, Range 17 West of the 6th P.M. in Custer County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 115 acres irrigated at a maximum rate of 0.10 cfs.

<u>Township 15 North, Range 17 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>10.0</u>
TOTAL	12.0

3. The Department has received information concerning the use of surface water appropriation A-3912BR that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.
4. On October 2, 2012, the Department issued a Notice of Preliminary Determination of Nonuse that the following portion of land authorized for irrigation under appropriation A-3912BR had not been irrigated for at least five years:

<u>Township 15 North, Range 17 West of the 6th P.M. in Custer County</u>	<u>Acres</u>
Section 35: NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.9

5. The Notice was displayed on the Department's website for over 30 days and was delivered by certified mail to Keith A. and Sara Walker, 78835 Drive 459, Mason City, Nebraska 68855; and to Farm Credit Services of America, P.O. Box 588, Broken Bow, Nebraska 68822.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

November 29, 2012


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18229 were provided to the Department's docket clerk and field office in Ord, Nebraska. Copies of this Order and map number 18229 were mailed on November 29, 2012, to the following:

Keith A. and Sara Walker
78835 Drive 459
Mason City, Nebraska 68855

Farm Credit Services of America
P.O. Box 588
Broken Bow, Nebraska 68822