

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-6155

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6155 is held by the Gilbert C. Horn Revocable Trust, the Audrey M. Horn Revocable Trust, and Elwood L. Horn.
2. A search of the records of the Custer County Register of Deeds indicates the land appurtenant to appropriation A-6155 includes names of owners that are different than the owner listed in Department records. These individuals are the Audrey M. Horn Family Trust, Eugene Leroy Freeze, Scott and Ann Sleicher, Timothy Horn, and M. Duane Freeze. The Custer County Register of Deeds does not include the Audrey M. Horn Revocable Trust as an entity with ownership of land appurtenant to appropriation A-6155.
3. Appropriation A-6155 has a priority date of March 30, 1954, and authorizes the use of water for irrigation of the 87 acres of land described below. The water may be diverted from the South Loup River 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 1, Township 13 North, Range 20 West of the 6th P.M. in Custer County. The rate that water may be diverted shall not exceed 0.79 cubic foot per second (cfs).

Township 13 North, Range 20 West of the
6th P.M. in Custer County

	Acres
Section 1:	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	8
NE $\frac{1}{4}$ NW $\frac{1}{4}$	20
SW $\frac{1}{4}$ NW $\frac{1}{4}$	35
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>24</u>
TOTAL	87

4. The Department has received information concerning the use of surface water appropriation A-6155 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

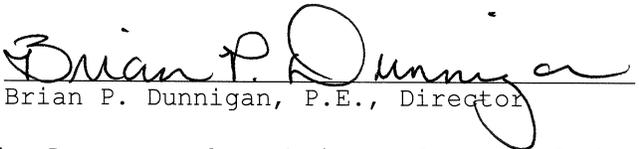
5. On June 1, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-6155. The notice was delivered by certified mail to Audrey M. Horn Family Trust, c/o Timothy Horn, Trustee, P.O. Box 665, Hemmingford, Nebraska 69348; Gilbert C. Horn Revocable Trust, c/o Gilbert C. Horn, Trustee, 18 Crappie Corner Drive 5, Johnson Lake, Nebraska 68937-2239; Elwood L. Horn, c/o Gilbert C. Horn, 18 Crappie Corner Drive 5, Johnson Lake, NE 68937-2239; Eugene Leroy Freeze, 17 Red Fox Lane, Kearney, Nebraska 68845; Timothy Horn, P.O. Box 665, Hemmingford, Nebraska 69348; M. Duane Freeze, 3805 West Cedar Hills Drive, Kearney, Nebraska 68845; and Scott & Ann Sleicher, 77991 Sumner Road, Broken Bow, Nebraska 68822.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-6155 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-6155 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 27, 2012


 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 field office in Ord, Nebraska. A copy of this Order was mailed on July 27, 2012, to the following:

Audrey M. Horn Family Trust
 c/o Timothy Horn, Trustee
 P.O. Box 665
 Hemmingford, Nebraska 69348

Eugene Leroy Freeze
 17 Red Fox Lane
 Kearney, Nebraska 68845

Gilbert C. Horn Revocable Trust
 c/o Gilbert C. Horn, Trustee
 18 Crappie Corner Drive 5
 Johnson Lake, Nebraska 68937-2239

Timothy Horn
 P.O. Box 665
 Hemmingford, Nebraska 69348

Elwood L. Horn
 c/o Gilbert C. Horn
 18 Crappie Corner Drive 5
 Johnson Lake, Nebraska 68937-2239

M. Duane Freeze
 3805 West Cedar Hills Drive
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