

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-6368

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6368 is held by River Run Partners, LLC.
2. Appropriation A-6368 with a priority date of June 18, 1954, authorizes the use of water for irrigation of the 169 acres of land described below. The water may be diverted from the South Loup River at points of diversion located on both banks of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 6, Township 15 North, Range 22 West of the 6<sup>th</sup> P.M. in Custer County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 105 acres irrigated at a maximum combined rate of 1.61 cfs from all points of diversion.

Township 15 North, Range 22 West of the 6 <sup>th</sup> P.M. in Custer County		Acres
Section 6:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	25.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	24.8
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>33.7</u>
TOTAL		169.0

3. The Department has received information concerning the use of surface water appropriation A-6368 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 21, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-6368. The notice was delivered by certified mail to River Run Partners, LLC, c/o Jim Jenkins, 43055 Road 791, Callaway, Nebraska, 68825; Clifford J. & Bonnie E. Quick, 403 East Morse Street, Callaway, Nebraska, 68825; Kenneth L. & Connie L. Rigler, 42597 Callaway Road, Callaway, Nebraska, 68825; Rowdy & Ronda A. Hunt, 42674 Callaway Road, Callaway, Nebraska, 68825; James J. & Julianna S. Jenkins, 43055 Road 791, Callaway, Nebraska, 68825; and to Timothy J. & Minnie A. Chancellor, 864 Silvercliff Way, Branson, Missouri, 65837.

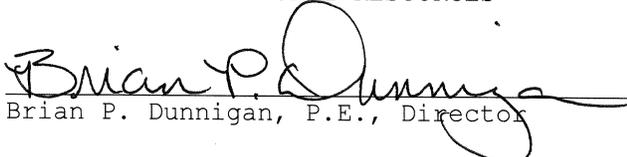
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-6368 has not been used for its required purpose for more than five consecutive years.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-6368 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 9, 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 May 9, 2012, to the following:

River Run Partners, LLC  
c/o Jim Jenkins  
43055 Road 791  
Callaway, Nebraska 68825

Clifford J. & Bonnie E. Quick  
403 East Morse Street  
Callaway, Nebraska 68825

Kenneth L. & Connie L. Rigler  
42597 Callaway Road  
Callaway, Nebraska 68825

Rowdy & Ronda A. Hunt  
42674 Callaway Road  
Callaway, Nebraska 68825

James J. & Julianna S. Jenkins  
43055 Road 791  
Callaway, Nebraska 68825

Stuart E. & Tracy F. Jenkins  
43055 Road 791  
Callaway, Nebraska 68825

Timothy J. & Minnie A. Chancellor  
864 Silvercliff Way  
Branson, Missouri 65737