

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-6575

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-6575 is held by Virgil L. Swett.
2. A review of the Department's records indicates a scrivener's error was made on the Order dated May 13, 1983. The Order describes the appurtenant land authorized for irrigation under appropriation A-6575 as located in Section 32 and Section 33, both in Township 22 North, Range 13 West of the 6<sup>th</sup> P.M. in Garfield County. The correct location of the appurtenant land is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, both in Township 23 North, Range 13 West of the 6<sup>th</sup> P.M. in Garfield County.
3. Appropriation A-6575 with a priority date of August 9, 1954, authorizes the use of water for irrigation of the 26.0 acres of land described below. The water may be diverted from the Cedar River at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, Township 23 North, Range 13 West of the 6<sup>th</sup> P.M. and on each bank in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 5, Township 22 North, Range 13 West of the 6<sup>th</sup> P.M., both in Garfield County. The rate that water may be diverted shall not exceed 0.21 cubic foot per second (cfs) from all points of diversion.

<u>Township 23 North, Range 13 West of the 6<sup>th</sup> P.M. in Garfield County</u>	<u>Acres</u>
Section 32: NE $\frac{1}{4}$ SE $\frac{1}{4}$	23.3
Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>2.7</u>
TOTAL	26.0

4. The Department has received information concerning the use of surface water appropriation A-6575 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On February 10, 2012, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-6575. The notice was delivered by certified mail to Virgil L. Swett, Trustee, P.O. Box 126, Erickson, Nebraska 68637 and Lois E. Swett, Trustee, P.O. Box 126, Erickson, Nebraska 68637.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-6575 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-6575 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

March 21, 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 March 21, 2012, to the following:

Virgil L. Swett, Trustee  
P.O. Box 126  
Ericson, Nebraska 68637

Lois E. Swett, Trustee  
P.O. Box 126  
Ericson, Nebraska 68637