

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14819

CASE NUMBER 2013-31-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14819 is held by William H. and Lois J. Cox and Kevin Cox.
2. Appropriation A-14819 with a priority date of March 17, 1977, authorizes the use of water for irrigation of the 30 acres of land described below. The water may be diverted from Bazile Creek at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 28 North, Range 5 West of the 6th P.M. in Antelope 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 0.43 cfs.

Township 28 North, Range 5 West of the 6 th P.M. in Antelope County	Acres
Section 23: NE $\frac{1}{4}$ NW $\frac{1}{4}$	2
NW $\frac{1}{4}$ NE $\frac{1}{4}$	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>23</u>
TOTAL	30

3. The Department has received information concerning the use of surface water appropriation A-14819 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 28, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14819. The Notice was delivered by certified mail to William H. and Lois J. Cox, P.O. Box 643, Creighton, Nebraska 68729; and Kevin Cox, P.O. Box 643, Creighton, Nebraska 68729.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.

6. The Department has determined that appropriation A-14819 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-14819 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 8, 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 Norfolk, Nebraska. A copy of this Order was mailed on August 8, 2013, to the following:

William H. and Lois J. Cox
P.O. Box 643
Creighton, Nebraska 68729

Kevin Cox
P.O. Box 643
Creighton, Nebraska 68729