

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12210

CASE NUMBER 2014-21-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12210 is held by LeRoy A. and Luetta R. Lammers Trust.
2. Appropriation A-12210 with a priority date of April 7, 1971, authorizes the use of water for irrigation of the 24 acres of land described below. The water may be diverted from Mud (Beaver) Creek at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 13 North, Range 15 West of the 6th P.M. in Sherman 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 combined rate of 0.34 cfs from all points of diversion.

Township 13 North, Range 15 West of the
6th P.M. in Sherman County Acres

Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$	6
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>1</u>
TOTAL	24

3. The Department has received information concerning the use of surface water appropriation A-12210 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 23, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12210. The Notice was delivered by certified mail to LeRoy A. and Luetta R. Lammers, Trustees, LeRoy A. and Luetta R. Lammers Trust, 46929 775th Road, Hazard, Nebraska 68844.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-12210 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-12210 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 4, 2014


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 Ord, Nebraska. A copy of this Order was mailed on August 4, 2014, to the following:

LeRoy A. and Luetta R. Lammers, Trustees
LeRoy A. and Luetta R. Lammers Trust
46929 775th Road
Hazard, Nebraska 68844