

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14320

CASE NUMBER 2013-14-CC-1

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14320 is held by Timothy L. and Karen M. Savage.
2. A search of the records of the Cass County Register of Deeds indicates the land appurtenant to appropriation A-14320 was divided into distinct parcels and there may be additional landowners. The additional landowner is Federal National Mortgage Association.
3. Appropriation A-14320 has a priority date of July 12, 1976, and authorizes the use of water for irrigation of the 76 acres of land described below. The water may be diverted from the South Branch of Weeping Water Creek at a point of diversion located on the right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 10 North, Range 13 East of the 6th P.M. in Cass County. The rate that water may be diverted shall not exceed 1.09 cubic feet per second (cfs).

<u>Township 10 North, Range 13 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 28: NE $\frac{1}{4}$ SW $\frac{1}{4}$	36
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>40</u>
TOTAL	76

4. The Department has received information concerning the use of surface water appropriation A-14320 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 9, 2013, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14320. The notice was delivered by certified mail to Timothy L. and Karen M. Savage, 5319 42nd Street, Nehawka, Nebraska 68413; Federal National Mortgage Association, P.O. Box 650043, Dallas, Texas 75265; and to U.S. Bank, c/o US Bank Home Mortgage, 4801 Frederica Street, P.O. Box 20005, Owensboro, Kentucky 42301.
6. No contest of the Preliminary Determination of Nonuse was received in the Department by landowner Federal National Mortgage Association.

7. On June 11, 2013, Timothy L. and Karen M. Savage filed a Contest of the Preliminary Determination of Non-Use in the office of the Department.
8. On May 12, 2014, Timothy L. and Karen M. Savage filed a Relinquishment of Water Appropriation, REL-5070, in the office of the Department relinquishing the right to divert water under a portion of appropriation A-14320 for use upon the 73.2 acres described below.

Township 10 North, Range 13 East of the 6 th P.M. in Cass County	Acres
Section 28: NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.2
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>40.0</u>
TOTAL	73.2

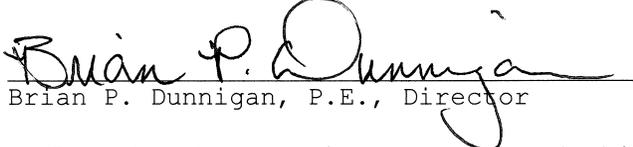
9. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.
10. The Department should withdraw from case number 2013-14-CC-1 and act on relinquishment REL-5070 cancelling a portion of appropriation A-14320.

IT IS HEREBY ORDERED:

1. Case number 2013-14-CC-1 is DISMISSED.
2. Appropriation A-14320 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 16, 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 Lincoln, Nebraska. A copy of this Order was mailed on July 16, 2014, to the following:

Timothy L. and Karen M. Savage
 5319 42nd Street
 Nehawka, Nebraska 68413

Federal National Mortgage Association
 P.O. Box 650043
 Dallas, Texas 75265

U.S. Bank
 c/o U.S. Bank Home Mortgage
 4801 Frederica Street
 P.O. Box 20005
 Owensboro, Kentucky 42301