STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18444R

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18444R is held by Charles William Hobbs, William L. and Molly Hobbs.

2. Appropriation A-18444R, with a priority date of February 13, 2007, authorizes the use of water for irrigation of the 829.0 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located on the left bank of the stream in the NW¼NE¼ of Section 08, Township 33 North, Range 15 West of the 6th P.M. in Boyd County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 11.84 cfs.

Township 33 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 01:	NW¼NW¼	29.0
	NE¼NW¼	32.6
	SW¼NW¼	33.4
	SE¼NW¼	36.6
	NW¼NE¼	25.3
	NE¼NE¼	34.7
	SW¼NE¼	30.3
	SE¼NE¼	38.0
	NW¼SW¼	26.3
	NE¼SW¼	30.4
	SW¼SW¼	35.1
	SE¼SW¼	37.9
	NW¼SE¼	21.2
	NE¼SE¼	32.7
	SW¼SE¼	32.8
	SE¼SE¼	38.8
Section 11:	NW¼NE¼	33.8
	NE¼NE¼	33.7
	SW¼NE¼	33.7
	SE¼NE¼	33.8

Township 33 North, Range 16 West of the 6th P.M. in Boyd County		Acres
Section 12:	NW¼NW¼	24.7
	NE¼NW¼	29.2
	SW¼NW¼	36.8
	SE¼NW¼	39.0
	NW¼NE¼	3.4
	NE¼NE¼	7.8
	SW¼NE¼	3.3
	NW¼SW¼	6.3
	NE¼SW¼	8.2

Township 33 North, Range 15 West of the 6th P.M. in Boyd County		Acres
Section 06:	NW¼NW¼	4.0
	SW¼NW¼	5.8
	NW¼SW¼	2.8
	SW¼SW¼	7.6
	TOTAL	829.0

3. The approval of appropriation A-18444 was conditional upon construction being completed by June 18, 2015, two years past the signing date of the application approval.

4. On October 3, 2014, the Department approved petition RLP-4876 to change the location of diversion under appropriation A-18444. Appropriation A-18444 through petition RLP-4876 became A-18444R.

5. On June 18, 2015, Boyd W. Strope, on behalf of William L. and Molly Hobbs and Charles William Hobbs timely filed petition EOT-5491 in the Department requesting an extension of time in which to complete construction. The reasonable cause stated in the petition requesting an extension of time for construction completion was that the appropriator was in negotiations with the Lower Niobrara Natural Resource District regarding a water holding facility,an integral part of the facility.

6. On June 26, 2015, the Department approved petition EOT-5491. The date by which construction was to be completed for appropriation A-18444R was extended to June 18, 2016.

7. On September 21, 2016, Department personnel performed a field investigation and determined construction of the project under appropriation A-18444R had not been completed by June 18, 2016. The appropriator related that the project will not be developed because of unforeseen circumstances.

8. Therefore, appropriation A-18444R should be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-18444R is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 18, 2016

Gordon W. Fassett

Gordon W. Fassett, 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. Copies of this Order and field investigation report were mailed on October 18, 2016, to the following:

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