

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-19071
AND CANCELLATION OF APPROVAL OF PLAN NUMBER 18708

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19071 is held by the Wischmeier Revocable Trusts.
2. Appropriation A-19071 has a priority date of April 22, 2013, and authorizes the appropriator to store an amount of water not to exceed 101.4 acre-feet in Wischmeier Reservoir. The Wischmeier Dam will be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 03 North, Range 09 East of the 6th P.M. in Pawnee County.
3. On December 23, 2013, the Department approved application A-19071 and plan 18708. The approval of application A-19071 was conditional upon (1) construction of the project beginning within one year of the signing date of the application approval and (2) completion of the project being completed by November 1, 2015.
4. On March 15, 2016, the appropriator indicated to Department staff via telephone that Wischmeier Dam was not constructed. Therefore, appropriation A-19071 should be cancelled.
5. *Nebraska Revised Statutes* § 46-238 provide for the cancellation of an appropriation in the event that the appropriator fails to comply with the terms of the approval.

ORDER

IT IS HEREBY ORDERED that appropriation A-19071 and approval of plan 18708 are CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

April 6, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on April 6, 2016, to the following:

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