STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11625

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11625 is held by Raymond R. Nemec.

2. A search of the records of the Boyd County Assessor indicates the land appurtenant to appropriation A-11625 includes the name of an owner that is different than the owner listed in Department records. The name of the individual is Naomi M. Nemec.

3. Appropriation A-11625 has a priority date of January 27, 1969, and authorizes the use of water for irrigation of the 71.0 acres of land described below. The water may be diverted from the Niobrara River at points of diversion located in the SW¼SE¼ of Section 21, and in the NW¼NE¼ of Section 28, both in Township 33 North, Range 12 West of the 6th P.M. in Boyd County. The rate that water may be diverted shall not exceed 1.01 cubic feet per second (cfs).

| Township 33 North, Range 12 West of the 6th P.M. in Boyd County | | Acres |
|---|---|---|
| Section 21: | NW¼SE¼ | 11.0 |
| | NE¼SE¼ | 10.0 |
| | SW¼SE¼ | 15.0 |
| | SE¼SE¼ | 27.0 |
| Section 28: | NW¼NE¼ | 2.0 |
| | NE¼NE¼ | 6.0 |
| | TOTAL | 71.0 |

4. The Department has received information concerning the use of surface water appropriation A-11625 that indicates the appropriation has not been used for its required purpose for more than 5 consecutive years.

5. On April 22, 2010, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11625. The notice was delivered by certified mail to Raymond R. and Naomi M. Nemec, 89606 489th Avenue, Spencer, Nebraska 68777-3548.

6. No contest of the Preliminary Determination of Nonuse was received in the Department.

7. The Department has determined that appropriation A-11625 has not been used for its required purpose for more than five consecutive years.

8. Nebraska Revised Statutes Section 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-11625 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

June 10, 2010

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 field office in Ord, Nebraska. A copy of this Order was mailed on June 10, 2010, to the following:

Raymond R. and Naomi M. Nemec
89609 489th Avenue
Spencer, Nebraska 68777-3548