STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12683

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12683 is held by Michael and Erika Billings.

2. Appropriation A-12683 has a priority date of July 10, 1972, and authorizes the use of water for irrigation of the 29.1 acres of land described below. The water may be diverted from Bone Creek at points of diversion located on the left bank of the stream in the W½NE¼ of Section 7, Township 30 North, Range 21 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.42 cubic foot per second (cfs) from all points of diversion.

Township 30 North, Range 21 West of the 6th P.M. in Brown County		Acres
Section 7:	NW¼NE¼	21.6
	SW¼NE¼	7.5
	TOTAL	29.1

3. The Department has received information concerning the use of surface water appropriation A-12683 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.

4. On April 22, 2010, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12683. The notice was delivered by certified mail to Michael and Erika Billings, Route 2 Box 220, Ainsworth, Nebraska 69210.

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

6. The Department has determined that appropriation A-12683 has not been used for its required purpose for more than five consecutive years.

7. 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-12683 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:

Michael and Erika Billings
Route 2 Box 220
Ainsworth, Nebraska 69210