STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13466

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13466 is held by Archie H. Christensen.

2. A search of the records of the Brown County Assessor indicates the land appurtenant to appropriation A-13466 includes names of owners that are different than the owner listed in Department records. The names listed are: Kent A. Christensen, and the Archie H. and Aubrey Christensen Life Estate, c/o Kent A. and Robert L. Christensen.

3. Appropriation A-13466 has a priority date of March 11, 1975, and authorizes the use of water for irrigation of the 14.4 acres of land described below. The water may be diverted from Bone Creek at a point of diversion on the left bank of the stream located in the NW¼SW¼ of Section 13, in Township 30 North, Range 22 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed 0.21 cubic foot per second (cfs).

Township 30 North, Range 22 West of the 6th P.M. in Brown County	Acres
Section 13: NW¼SW¼	14.4

4. The Department has received information concerning the use of surface water appropriation A-13466 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-13466. The notice was delivered by certified mail to Archie H. Christensen, RR 2 Box 305, Ainsworth, Nebraska 69210; Archie H. and Aubrey Christensen Life Estate, c/o Kent A. and Robert L. Christensen, RR 2 Box 306, Ainsworth, Nebraska 69210; and to Kent A. Christensen, RR 2 Box 306, Ainsworth, Nebraska, 69210.

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

7. The Department has determined that appropriation A-13466 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-13466 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:

Archie H. Christensen
RR 2 Box 305
Ainsworth, Nebraska 69210

Kent A. Christensen
RR 2 Box 306
Ainsworth, Nebraska 69210

Archie H. and Aubrey Christensen Life Estate
c/o Kent A. and Robert L. Christensen
RR 2 Box 306
Ainsworth, Nebraska 69210