

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15517

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15517 is held by Fredrick L. Krzyzanowski.
2. A search of the records of the Cherry County Assessor indicates the land appurtenant to appropriation A-15517 includes the name of owners that are different than the owner listed in Department records. The entity listed is Nature Conservancy. The Nebraska Game and Parks Commission holds a lease for a portion of the property appurtenant to appropriation A-15517 owned by Fredrick L. Krzyzanowski.
3. Appropriation A-15517 has a priority date of July 9, 1979, and authorizes the use of water for irrigation of the 23.9 acres of land described below. The water may be diverted from the Niobrara River at a point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 34 North, Range 25 West of the 6th P.M. in Cherry County. The rate that water may be diverted shall not exceed 0.34 cubic foot per second (cfs).

Township 34 North, Range 25 West of the 6 th P.M. in Cherry County		Acres
Section 30:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.3
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	16.7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.7</u>
	TOTAL	23.9

4. The Department has received information concerning the use of surface water appropriation A-15517 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-15517. The notice was delivered by certified mail to Fredrick L. Krzyzanowski, 125 South Vivian Street, Valentine, Nebraska 69201; The Nature Conservancy, 1007 Leavenworth Street, Omaha, Nebraska 68102; Nebraska Game and Parks Commission, Smith Falls State Park, c/o John Lemmon, Park Superintendent, HC 13 Box 25, Valentine, Nebraska 69201; and to Nebraska Game and Parks Commission, PO Box 30370, Lincoln, Nebraska 68503.

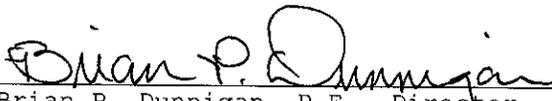
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-15517 has not been used for its required purpose for more than five consecutive years.
8. Nebraska Revised Statutes Section 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

Order

IT IS HEREBY ORDERED appropriation A-15517 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:

Representative of the Estate of
Fredrick L. Krzyzanowski
125 South Vivian Street
Valentine, Nebraska 69201

Nebraska Game and Parks Commission
Smith Falls State Park
c/o John Lemmon, Park Superintendent
HC 13 Box 25
Valentine, Nebraska 69201

The Nature Conservancy
1007 Leavenworth Street
Omaha, Nebraska 68102

Nebraska Game and Parks Commission
INTERAGENCY MAIL
PO Box 30370
Lincoln, Nebraska 68503