

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18609

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18609 is held by Mark R. Downey.
2. Appropriation A-18609, with a priority date of September 2, 2008, authorizes the use of water for irrigation of the 13.8 acres of land described below. The water may be diverted from Burgess Creek at a point of diversion located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 32 North, Range 6 West of the 6th P.M. in Knox County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.20 cfs.

Township 32 North, Range 6 West of the 6 th P.M. in Knox County	Acres
Section 20: SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.9
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.9
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.9
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.3
Section 29: NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.1
NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>.7</u>
TOTAL	13.8

3. The approval of appropriation A-18609 was conditional upon the irrigation of the above land by September 1, 2011.
4. Department personnel performed a field investigation and determined the land approved for irrigation under appropriation A-18609 had not been irrigated by September 1, 2011.

5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED appropriation A-18609 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

November 18, 2011


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. Copies of this Order and field investigation report were mailed on November 18, 2011, to the following:

Mark R. Downey
511 East 5th Street
Delphos, Ohio 45833

Greg Carlson
89025 525th Avenue
Niobrara, Nebraska 68760