STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-3549

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3549 is held by Donald and Mary Beth Davison.

2. Appropriation A-3549 has a priority date of January 29, 1942, and authorizes the use of water for irrigation of the 17 acres of land described below. The water may be diverted from Bone Creek at a point of diversion located on the west bank of the stream in the NE¼SE¼ of Section 14, Township 30 North, Range 22 West of the 6th P.M. in Brown County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 110 acres irrigated at a maximum rate of 0.15 cfs.

Township 30 North, Range 22 West of the 6th P.M. in Brown County		Acres
Section 13:	NW¼NW¼	11
	SW¼NW¼	6
	TOTAL	17

3. The Department has received information concerning the use of surface water appropriation A-3549 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-3549. The notice was delivered by certified mail to Donald and Mary Beth Davison, PO Box 22, 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-3549 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-3549 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

June 10, 2010

Brian P. Dunnigan

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:

Donald and Mary Beth Davison
PO Box 22
Ainsworth, Nebraska 69210