

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-9686

CASE NUMBER 2014-7-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9686 is held by Sonderup Seed Farms, Inc.
2. Appropriation A-9686 with a priority date of January 26, 1959, authorizes the use of water for irrigation of the 133.5 acres of land described below. The water may be diverted from the Loup River at a point of diversion located on the left bank of the stream in the SW¹/₄SW¹/₄ of Section 3, Township 16 North, Range 5 West of the 6th P.M. in Nance 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 1.91 cfs.

<u>Township 17 North, Range 5 West of the 6th P.M. in Nance County</u>		<u>Acres</u>
Section 34:	NW ¹ / ₄ SW ¹ / ₄	19.7
	NE ¹ / ₄ SW ¹ / ₄	36.5
	SW ¹ / ₄ SW ¹ / ₄	38.5
	SE ¹ / ₄ SW ¹ / ₄	<u>38.8</u>
	TOTAL	133.5

3. The Department has received information concerning the use of surface water appropriation A-9686 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On January 24, 2014, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-9686. The Notice was delivered by certified mail to Sonderup Seed Farms, Inc., 106 North Ester Street, Fullerton, Nebraska 68638, and Pat Garrett, Pinnacle Bank, P.O. Box 1585, Columbus, Nebraska 68601.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-9686 has not been used for its required purpose for more than five consecutive years.

7. *Nebraska Revised Statutes* § 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-9686 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

March 28, 2014


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 docket clerk and field office in Ord, Nebraska. A copy of this Order was mailed on March 28, 2014, to the following:

Sonderup Seed Farms, Inc.
106 North Ester Street
Fullerton, Nebraska 68638

Pat Garrett
Pinnacle Bank
P.O. Box 1585
Columbus, Nebraska 68601