

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-13751C**

WATER DIVISION 1-F

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13751C is held by James E. and Kimberly Rust.
2. Appropriation A-13751C has a priority date of August 20, 1975, and authorizes the use of water for irrigation of the 4.6 acres of land described below. The water may be diverted from Weeping Water Creek at points of diversion located on in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 02, Township 10 North, and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 11 North, both in Range 10 East of the 6th P.M. in Cass County. The rate that water may be diverted shall not exceed 0.06 cubic feet per second (cfs) from all points of diversion.

Township 11 North, Range 10 East of the 6 th P.M. in Cass County	Acres
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Section 35: SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.6
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3. The Department has received information concerning the use of surface water appropriation A-13571C and determined that the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.
4. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04.
5. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that appropriation A-13571C will be cancelled unless the Department's determination is successfully contested.
6. The owner(s) of the land that may be irrigated under water appropriation A-13751C may:
 - A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling all of water appropriation A-13751C.**
 - B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on July 18, 2024. No filing fee is required.

7. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, Neb. Rev. Stat. §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; and (3) a copy of the Report of Field Investigation which is the basis for the determination.
8. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.
9. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

June 18, 2024

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's field office in Lincoln, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail to the following:

James E. and Kimberly Rust
5157 310th Street
Murdock, Nebraska 68407