

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-3939

CASE NUMBER 2021-3-PD-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3939 is held by the Louis M. and Betty I. Hansen Revocable Trust.
2. Appropriation A-3939 with a priority date of August 5, 1946, authorizes the use of water for irrigation of the 56.5 acres of land described below. The water may be diverted from the Middle Loup River at a point of diversion located on the south bank of the stream in Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 10, Township 19 North, Range 19 West of the 6<sup>th</sup> P.M. in Custer County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 113 acres irrigated at a maximum rate of 0.50 cfs.

<u>Township 19 North, Range 19 West of the</u>		
<u>6<sup>th</sup> P.M. in Custer County</u>		<u>Acres</u>
Section 10:	Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ )	15.0
	Lot 6 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ )	11.0
	Lot 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )	20.0
	Lot 8 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ )	<u>10.5</u>
	TOTAL	56.5

3. The Department has received information concerning the use of surface water appropriation A-3939 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On October 20, 2021, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-3939. The Notice was delivered by certified mail to Louis M. and Betty I. Hansen, Trustees, Louis M. and Betty I. Hansen Revocable Trust, 44705 Sargent River Road, Sargent, Nebraska 68874; Jim Fred, Operator, 306 North 2<sup>nd</sup> Street, Sargent, Nebraska 68874; and Darwin Holcomb, Past Operator, 81050 Round Valley Road, Broken Bow, Nebraska 68822.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-3939 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-3939 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



January 28, 2022

---

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Ord, Nebraska. A copy of this Order was mailed on January 28, 2022, to the following:

Louis M. and Betty I. Hansen, Trustees  
Louis M. and Betty I. Hansen Revocable Trust  
44705 Sargent River Road  
Sargent, Nebraska 68874

Jim Fred, Operator  
306 North 2<sup>nd</sup> Street  
Sargent, Nebraska 68874

Darwin Holcomb, Past Operator  
81050 Round Valley Road  
Broken Bow, Nebraska 68822