

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-19658

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19658 is held by Foxhoven Land Company, LLC.
2. Appropriation A-19658, with a priority date of May 22, 2019, authorizes the use of water for irrigation of the 243.0 acres of land described below. The water may be diverted from Beaver Creek at points of diversion located on both banks of the stream in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 05, and the left bank of the stream in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 06, all in Township 32 North, Range 01 West of the 6<sup>th</sup> P.M. in Cedar County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 3.47 cfs from all points of diversion.

Township 32 North, Range 01 West of the 6 <sup>th</sup> P.M. in Cedar County	Acres
Section 05: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	18.6
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	4.9
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	20.1
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	21.2
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40.2
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	39.9
Section 06: SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	37.3
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	22.6
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	23.1
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	15.1
TOTAL	243.0

3. The approval of appropriation A-19658 was conditional upon the irrigation of the above land by September 1, 2022.
4. Department personnel performed a field investigation and determined the land approved for irrigation under appropriation A-19658 had not been irrigated by September 1, 2022.
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-19658 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



December 13, 2022

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Thomas E. Riley, 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 Norfolk, Nebraska. Copies of this Order and field investigation report were mailed to the following:

Derek Foxhoven  
Foxhoven Land Company, LLC  
55939 897 Road  
Fordyce, Nebraska 68736