

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-14434

AND APPROVAL OF MAP NUMBER 21155

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources ("Department") show that surface water appropriation A-14434 is held by Wayne M. and Tonya S. Allen and the Donna J. Kennedy-Marvin Trust.
2. A scrivener's error was made on the Order approving map number 13079 dated July 28, 1978. A tract of land located in the ~~SE¹/₄NE¹/₄~~ of Section 20, Township 01 North, Range 15 East of the 6th P.M. in Richardson County was incorrectly listed as ~~SE¹/₄SE¹/₄~~.
3. Appropriation A-14434 has a priority date of August 31, 1976, and authorized the use of water for irrigation of the 321.0 acres of land described below. The water may be diverted from Rock Creek at points of diversion located on both banks of the stream in the E¹/₂NW¹/₄ of Section 20, Township 01 North, Range 15 East of the 6th P.M. in Richardson 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 4.59 cfs from all points of diversion.

Township 01 North, Range 15 East of the 6 th P.M. in Richardson County		Acres
Section 20:	NW ¹ / ₄ NW ¹ / ₄	39.0
	NE ¹ / ₄ NW ¹ / ₄	35.0
	SW ¹ / ₄ NW ¹ / ₄	40.0
	SE ¹ / ₄ NW ¹ / ₄	40.0
	NW ¹ / ₄ NE ¹ / ₄	22.0
	NE ¹ / ₄ NE ¹ / ₄	25.0
	SW ¹ / ₄ NE ¹ / ₄	40.0
	SE ¹ / ₄ NE ¹ / ₄	40.0
	NW ¹ / ₄ SE ¹ / ₄	<u>40.0</u>
	TOTAL	321.0

4. The Department has received information concerning the use of surface water appropriation A-14434 and determined that the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04.
5. On February 6, 2023, Wayne M. and Tonya S. Allen filed a voluntary relinquishment REL-9846, which relinquished their right to divert water under a portion of appropriation A-14434 to irrigate the 179.9 acres of land described below.

Township 01 North, Range 15 East of the		
<u>6th P.M. in Richardson County</u>		<u>Acres</u>
Section 20:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.7
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.6
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>40.0</u>
	TOTAL	179.9

6. Upon completion of this Order of Cancellation for the preceding portion of land authorized for irrigation under A-14434, the Department will issue a Notice of Preliminary Determination of Nonuse ("PDNU") for the remaining appurtenant land owned by the Donna J. Kennedy-Marvin Trust in accordance with Neb. Rev. Stat. § 46-229.02.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-14434 at the rate of 2.57 cfs for use upon the 179.9 acres of land described above is CANCELLED.

2. The Department will initiate formal cancellation proceedings by issuing a PDNU on the remaining acres appurtenant to appropriation A-14434 owned by the Donna J. Kennedy-Marvin Trust, which are depicted on map number 21155 and made a part of this Order of Cancellation. The associated points of diversion are in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 20, Township 01 North, Range 15 East of the 6th P.M. in Richardson County, as depicted on map number 21155. The original application was approved at a ratio of one cfs for every 70 acres irrigated. The rate associated with the acres listed below is 2.02 cfs, which is the amount subject to cancellation for nonuse.

Township 01 North, Range 15 East of the 6 th P.M. in Richardson County		Acres
Section 20:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.3
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.4</u>
	TOTAL	141.1

DEPARTMENT OF NATURAL RESOURCES

Thomas E. Riley

Thomas E. Riley, P.E., Director

March 13, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21155 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21155 were mailed to the following:

Wayne M. and Tonya S. Allen
64337 705 Road
Salem, Nebraska 68433

Donna J. Kennedy-Marvin Trust
5918 Rolling Hills Boulevard
Lincoln, Nebraska 68512