

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13945

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13945 is held by Rudy J. Meduna & Sons.
2. Appropriation A-13945 with a priority date of January 15, 1976, authorizes the use of water for irrigation of the 77.6 acres of land described below. The water may be diverted from Sand Creek at points of diversion located on both banks of the stream in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 32, Township 16 North, Range 07 East of the 6<sup>th</sup> P.M. in Saunders 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 combined rate of 1.11 cfs from all points of diversion.

<u>Township 16 North, Range 07 East of the 6<sup>th</sup> P.M. in Saunders County</u>	<u>Acres</u>
Section 32: NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	36.2
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	38.4
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>3.0</u>
TOTAL	77.6

3. The Department has received information concerning the use of surface water appropriation A-13945 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 13, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13945. The Notice was delivered by certified mail to Don Meduna, Rudy J. Meduna & Sons, 2160 County Road 19, Colon, NE 68018 and Robert J. and Carol Meduna, 2185 County Road 20, Colon, Nebraska 68018.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13945 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-13945 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 25, 2023

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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 Lincoln, Nebraska. A copy of this Order was mailed to the following:

Don Meduna  
Rudy J. Meduna & Sons  
2160 County Road 19  
Colon, NE 68018

Robert J. and Carol Meduna  
2185 County Road 20  
Colon, Nebraska 68018