

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14434

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 the Donna J. Kennedy-Marvin Trust.
2. Appropriation A-14434 with a priority date of August 31, 1976, authorizes the use of water for irrigation of the 141.1 acres of land described below. The water may be diverted from Rock Creek at points of diversion located 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. 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 2.02 cfs from all points of diversion.

<u>Township 01 North, Range 15 East of the</u>		
<u>6th P.M. in Richardson County</u>		<u>Acres</u>
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

3. The Department has received information concerning the use of surface water appropriation A-14434 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 16, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14434. The Notice was delivered by certified mail to Donna J. Kennedy-Marvin Trust, 5918 Rolling Hills Boulevard, Lincoln, Nebraska 68512.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-14434 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-14434 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 25, 2023

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:

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