

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13142

AND DISMISSAL OF PRELIMINARY DETERMINATION OF NONUSE

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13142 is held by Donald J. and Lisa K. Swartz.
2. Appropriation A-13142 has a priority date of August 9, 1974, and authorizes the use of water for irrigation of the 29.0 acres of land described below. The water may be diverted from Cottonwood Creek at a point of diversion located on right bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 15 North, Range 06 East of the 6th P.M. in Saunders County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.41 cfs.

Township 15 North, Range 06 East of the
6th P.M. in Saunders County Acres

Section 23: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 29

3. On April 17, 2023, the Department issued Preliminary Determination of Nonuse, PDNU-9945, concerning the use of surface water appropriation A-13142 and determined that the appropriation had not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.
4. On April 24, 2023, Donald J. and Lisa K. Swartz filed a Full Relinquishment of A Surface Water Appropriation, REL-9885, in the office of the Department relinquishing the right to divert water under appropriation A-13142 for use upon the land described above.
5. Therefore, Preliminary Determination of Nonuse, PDNU-9945, should be dismissed.

ORDER

IT IS HEREBY ORDERED:

1. Preliminary Determination of Nonuse PDNU-9945 is DISMISSED.
2. Appropriation A-13142 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



May 4, 2023

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

Donald J. and Lisa K. Swartz
2164 County Road P
Malmo, Nebraska 68040