

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12446

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12446 is held by Douglas T. and Mary Nelsen and Russell L. and Stacy A. Nelsen.
2. Appropriation A-12446 with a priority date of November 23, 1971, authorizes the use of water for irrigation of the 33 acres of land described below. The water may be diverted from New York Creek at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 08, Township 19 North, Range 10 East of the 6th P.M. in Washington 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 rate of 0.47 cfs.

Township 19 North, Range 10 East of the
6th P.M. in Washington County Acres

Section 08: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33

3. The Department has received information concerning the use of surface water appropriation A-12446 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On December 5, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12446. The Notice was delivered by certified mail to Russell L. and Stacy A. Nelsen, 10502 County Road 21, Blair, Nebraska 68008; and Douglas T. and Mary Nelsen, 3973 Santa Monica Court, Newbury Park, California 91320.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-12446 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-12446 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



January 16, 2024

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

Russell L. and Stacy A. Nelsen
10502 County Road 21
Blair, Nebraska 68008

Douglas T. and Mary Nelsen
3973 Santa Monica Court
Newbury Park, California 91320