

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13772

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13772 is held by M & S Andersen, LLC.
2. Appropriation A-13772 with a priority date of August 27, 1975, authorizes the use of water for irrigation of the 156 acres of land described below. The water may be diverted from Little Bell Creek at a point of diversion located on the left bank of the stream in the SW¹/₄SW¹/₄ of Section 05, Township 18 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 2.23 cfs.

| <u>Township 18 North, Range 10 East of the</u> | |
|---|--------------|
| <u>6th P.M. in Washington County</u> | |
| | <u>Acres</u> |
| Section 05: NW ¹ / ₄ SW ¹ / ₄ | 36 |
| NE ¹ / ₄ SW ¹ / ₄ | 40 |
| SW ¹ / ₄ SW ¹ / ₄ | 40 |
| SE ¹ / ₄ SW ¹ / ₄ | <u>40</u> |
| TOTAL | 156 |

3. The Department has received information concerning the use of surface water appropriation A-13772 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 18, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13772. The Notice was delivered by certified mail to Stevan Andersen, M & S Andersen, LLC, 21948 County Road 20, Arlington, Nebraska 68002.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13772 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-13772 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 23, 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:

Stevan Andersen
M & S Andersen, LLC
21948 County Road 20
Arlington, Nebraska 68002