

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-2588

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2588 is held by Anderson Livestock, L.L.C.
2. Appropriation A-2588 with a priority date of July 14, 1936, authorizes the use of water for irrigation of the 40.2 acres of land described below. The water may be diverted from the North Fork of the Elkhorn River at points of diversion located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 26 North, Range 02 West of the 6th P.M. in Pierce County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.29 cfs from all points of diversion.

<u>Township 26 North, Range 02 West of the 6th P.M. in Pierce County</u>	<u>Acres</u>
Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>34.2</u>
TOTAL	40.2

3. The Department has received information concerning the use of surface water appropriation A-2588 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 26, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-2588. The Notice was delivered by certified mail to Jeff Anderson, Anderson Livestock, L.L.C., 85710 550th Avenue, Pierce, Nebraska 68767; and Troy Anderson, 55370 856th Road, Pierce, Nebraska 68767.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-2588 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-2588 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 2, 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:

Jeff Anderson
Anderson Livestock, L.L.C.
85710 550th Avenue
Pierce, Nebraska 68767

Troy Anderson
55370 856th Road
Pierce, Nebraska 68767