

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13751C

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13751C is held by James E. and Kimberly Rust.
2. Appropriation A-13751C with a priority date of August 20, 1975, authorizes the use of water for irrigation of the 4.6 acres of land described below. The water may be diverted from Weeping Water Creek at points of diversion located on in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 02, Township 10 North, and in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 35, Township 11 North, both in Range 10 East of the 6<sup>th</sup> P.M. in Cass 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 0.06 cfs.

<u>Township 11 North, Range 10 East of the</u>	
<u>6<sup>th</sup> P.M. in Cass County</u>	<u>Acres</u>
Section 35: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	4.6

3. The Department has received information concerning the use of surface water appropriation A-13751C that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 18, 2024, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13751C. The Notice was delivered by certified mail to James E. and Kimberly Rust, 5157 310<sup>th</sup> Street, Murdock, Nebraska 68407.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13751C 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-13751C is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



July 23, 2024

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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:

James E. and Kimberly Rust  
5157 310<sup>th</sup> Street  
Murdock, Nebraska 68407