

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-14434**

WATER DIVISION 1-F

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14434 is held by the Donna J. Kennedy-Marvin Trust.
2. Appropriation A-14434 has a priority date of August 31, 1976 and authorized the use of water for irrigation of the 141.1 acres of land described below. The water was authorized to be diverted from Rock Creek at points of diversion located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 20, Township 01 North, Range 15 East of the 6th P.M. in Richardson County. The rate that water was to be diverted would not exceed 2.02 cubic feet per second (cfs) from all points of diversion.

<u>Township 01 North, Range 15 East of the 6th P.M. in Richardson County</u>	<u>Acres</u>
Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.3
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.4
SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.4</u>
TOTAL	141.1

3. The Department has received information concerning the use of surface water appropriation A-14434 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.
4. At this time the Department knows of no reason for not using the appropriation that would be considered sufficient cause for nonuse under *Nebraska Revised Statutes* § 46-229.04.
5. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that appropriation A-14434 will be cancelled unless the Department's determination is successfully contested.
6. The owner(s) of the land that may be irrigated under water appropriation A-14434 may:
 - A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling all of water appropriation A-14434.**

- B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on April 17, 2023. No filing fee is required.
7. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, *Nebraska Revised Statutes* §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; and (3) a copy of the Report of Field Investigation which is the basis for the determination.
8. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.
9. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES



March 16, 2023

Thomas E. Riley, P.E., Director

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's field office in Lincoln, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail to the following:

Donna J. Kennedy-Marvin Trust
5918 Rolling Hills Boulevard
Lincoln, Nebraska 68512