

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18436

CASE NUMBER 2019-10-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18436 is held by Virginia A. Hager.
2. Appropriation A-18436 with a priority date of December 14, 2006, authorizes the use of water for irrigation of the 68.4 acres of land described below. The water may be diverted from a tributary to the Niobrara River at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 33 North, Range 31 West of the 6th P.M. in Cherry 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 0.98 cfs.

<u>Township 33 North, Range 31 West of the</u>		
<u>6th P.M. in Cherry County</u>		<u>Acres</u>
Section 32:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.5
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.9
Section 33:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	13.8
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>30.2</u>
	TOTAL	68.4

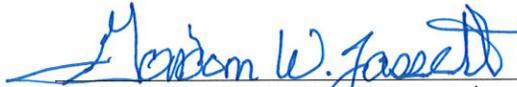
3. The Department has received information concerning the use of surface water appropriation A-18436 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On September 5, 2019, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-18436. The Notice was delivered by certified mail to Virginia A. Hager, Hager River Ranch Co., LLC, PO Box 457, Mobridge, South Dakota 57601 and Gary Siverson, Operator, 37403 East Anderson Bridge Road, Kilgore, Nebraska 69216.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-18436 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-18436 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

October 9, 2019


Gordon W. Fassett, 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 Ord, Nebraska. A copy of this Order was mailed on October 9, 2019, to the following:

Virginia A. Hager
Hager River Ranch Co., LLC
PO Box 457
Mobridge, South Dakota 57601

Gary Siverson, Operator
37403 East Anderson Bridge Road
Kilgore, Nebraska 69216