

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11736

CASE NUMBER 2020-1-PD-1

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11736 is held by Huston Farms, Inc., and Christensen Brothers Partnership, LLP.
2. The Department has received information that L K & K Enterprises, Inc., may have an interest in appropriation A-11736.
3. Appropriation A-11736 with a priority date of June 23, 1969, authorizes the use of water for irrigation of the 42.95 acres of land described below. The water may be diverted from the Elkhorn River at a point of diversion located on the left bank of the stream in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 29 North, Range 13 West of the 6th P.M. in Holt 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 0.61 cfs.

<u>Township 29 North, Range 13 West of the</u>	
<u>6th P.M. in Holt County</u>	
	<u>Acres</u>
Section 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.70
NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.00
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>2.25</u>
TOTAL	42.95

4. The Department has received information concerning the use of surface water appropriation A-11736 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On January 29, 2020, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11736. The Notice was delivered by certified mail to Kenneth L. and Laurine Huston, Huston Farms, Inc., 87315 482nd Avenue, Emmet, Nebraska 68734; L K & K Enterprises, Inc., 87301 482nd Avenue, Emmet, Nebraska 68734; and Christensen Brothers Partnership, LLP, 23971 County Road 10, Sleepy Eye, Minnesota 56085.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

7. The Department has determined that appropriation A-11736 has not been used for its required purpose for more than five consecutive years.
8. *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-11736 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

March 6, 2020



Jesse Bradley, Interim 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 on March 6, 2020, to the following:

Kenneth L. and Laurine Huston
Huston Farms, Inc.
87315 482nd Avenue
Emmet, Nebraska 68734

Christensen Brothers Partnership, LLP
23971 County Road 10
Sleepy Eye, Minnesota 56085

L K & K Enterprises, Inc.
87301 482nd Avenue
Emmet, Nebraska 68734