

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16631

CASE NUMBER 2020-6-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16631 is held by Silver Creek Stables, LLC and DBDB Enterprises, LLC.
2. Appropriation A-16631 with a priority date of March 22, 1988, authorizes the use of water for irrigation of the 112 acres of land described below. The water may be diverted from Big Papillion Creek at points of diversion located on the east bank of the stream in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 16, Township 17 North, Range 11 East of the 6th P.M. in Washington 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 combined rate of 1.6 cfs from all points of diversion.

<u>Township 17 North, Range 11 East of the 6th P.M. in Washington County</u>	<u>Acres</u>
Section 16: NW $\frac{1}{4}$ SW $\frac{1}{4}$	22
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$	20
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>30</u>
TOTAL	112

3. The Department has received information concerning the use of surface water appropriation A-16631 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On June 5, 2020, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16631. The Notice was delivered by certified mail to Cara Brown, Silver Creek Stables, LLC, 3906 South 194th Street, Omaha, Nebraska 68130; and Daniel R. & Deborah D. Brown, DBDB Enterprises, LLC, 2104 South 190th Circle, Omaha, Nebraska 68130.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-16631 has not been used for its required purpose for more than five consecutive years.

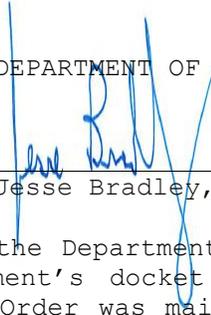
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-16631 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 8, 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 July 8, 2020, to the following:

Cara Brown
Silver Creek Stables, LLC
3906 South 194th Street
Omaha, Nebraska 68130

Daniel R. & Deborah D. Brown
DBDB Enterprises, LLC
2104 South 190th Circle
Omaha, Nebraska 68130