

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16835

CASE NUMBER 2022-3-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16835 is held by Garry L. Nielsen.
2. The Department has received information that Teresa Nielsen may have a spousal interest in the land appurtenant to A-16835.
3. Appropriation A-16835 with a priority date of June 23, 1989, authorizes the use of water for irrigation of the 57.9 acres of land described below. The water may be diverted from the Missouri River at a point of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 32 North, Range 06 West of the 6th P.M. in Knox 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 0.83 cfs.

<u>Township 32 North, Range 06 West of the</u> <u>6th P.M. in Knox County</u>	<u>Acres</u>
Section 14: NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30.9
SW $\frac{1}{4}$ NE $\frac{1}{4}$	17.4
SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.2</u>
TOTAL	57.9

4. The Department has received information concerning the use of surface water appropriation A-16835 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On April 6, 2022, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16835. The Notice was delivered by certified mail to Garry L. Nielsen, 89152 526 Avenue, Niobrara, Nebraska 68760; and to Teresa Nielsen, 89152 526 Avenue, Niobrara, Nebraska 68760.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.

7. The Department has determined that appropriation A-16835 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-16835 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

May 12, 2022

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 to the following:

Garry L. Nielsen
89152 526 Avenue
Niobrara, Nebraska 68760

Teresa Nielsen
89152 526 Avenue
Niobrara, Nebraska 68760