

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-17361

CASE NUMBER 2021-4-CC-1

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17361 is held by Dewayne A. Shepard.
2. A search of the records of the Greeley County Register of Deeds indicates the land appurtenant to appropriation A-17361 is owned by Dewayne A. and Marie C. Shepard.
3. Appropriation A-17361 with a priority date of March 28, 1994, authorizes the use of water for irrigation of the 23.6 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the right bank of the stream in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 05, Township 20 North, Range 10 West of the 6<sup>th</sup> P.M. in Greeley 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 0.34 cfs.

<u>Township 20 North, Range 10 West of the</u>		
<u>6<sup>th</sup> P.M. in Greeley County</u>		<u>Acres</u>
Section 05:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2.4
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	<u>21.2</u>
	TOTAL	23.6

4. The Department has received information concerning the use of surface water appropriation A-17361 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On October 28, 2021, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-17361. The Notice was delivered by certified mail to Dewayne A. and Maria C. Shepard, 80715 497<sup>th</sup> Avenue, Greeley, Nebraska 68842.
6. On November 29, 2021, Dewayne A. Shepard timely filed a contest to PDNU-9460 for the land authorized for irrigation under A-17361.
7. Department staff reviewed the contest and determined that a hearing should be held.
8. On June 2, 2022, the Department scheduled a hearing to be held on June 28, 2022, at the Ord Field Office.

9. On June 27, 2022, the Department received Dewayne A. and Marie C. Shepard's voluntary relinquishment REL-9581 relinquishing the right to divert water under appropriation A-17361.
10. On June 27, 2022, the Department issued an Order cancelling the hearing scheduled for Tuesday, June 28, 2022, and dismissing case number 2014-4-CC-1.
11. *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-17361 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



August 26, 2022

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Thomas E. Riley, 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 to the following:

Dewayne A. and Maria C. Shepard  
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