

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-9287B

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9287B is held by Dennis L. and Lana J. Claycomb.
2. Appropriation A-9287B with a priority date of March 5, 1957, authorizes the use of water for irrigation of the 68.3 acres of land described below. The water may be diverted from Dee Creek at points of diversion located on the right bank of the stream in the ~~W¹/₄SE¹/₄~~ of Section 07, Township 11 North, Range 09 East of the 6th P.M. in Cass 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 11 North, Range 09 East of the 6th P.M. in Cass County</u>	<u>Acres</u>
Section 07: NW 1 / ₄ SE 1 / ₄	10.9
NE 1 / ₄ SE 1 / ₄	7.3
SW 1 / ₄ SE 1 / ₄	16.0
SE 1 / ₄ SE 1 / ₄	<u>34.1</u>
TOTAL	68.3

3. The Department has received information concerning the use of surface water appropriation A-9287B that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On April 17, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-9287B. The Notice was delivered by certified mail to Dennis L. and Lana J. Claycomb, 19706 Waverly Road, Waverly, Nebraska 68462.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-9287B 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-9287B is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



May 22, 2023

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 Lincoln, Nebraska. A copy of this Order was mailed to the following:

Dennis L. and Lana J. Claycomb
19706 Waverly Road
Waverly, Nebraska 68462