

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15865

CASE NUMBER 2022-5-PD-1

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15865 is held by Richard L. Johnson.
2. A search of the records of the Dixon County Register of Deeds indicates the land appurtenant to appropriation A-15865 is owned by Richard L. and Janice A. Johnson, Co-Trustees of the Johnson Family Trust.
3. Appropriation A-15865 with a priority date of May 6, 1981, authorizes the use of water for irrigation of the 57 acres of land described below. The water may be diverted from Logan Creek at points of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 02 and the NW $\frac{1}{4}$ of Section 12, Township 27 North, Range 04 East of the 6th P.M. in Dixon 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 0.81 cfs.

<u>Township 27 North, Range 04 East of the</u>		<u>6th P.M. in Dixon County</u>	<u>Acres</u>
Section 12:	SW $\frac{1}{4}$ NW $\frac{1}{4}$		14
	SE $\frac{1}{4}$ NW $\frac{1}{4}$		38
	NE $\frac{1}{4}$ SW $\frac{1}{4}$		<u>5</u>
	TOTAL		57

4. The Department has received information concerning the use of surface water appropriation A-15865 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On May 11, 2022, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15865. The Notice was delivered by certified mail to Richard L. Johnson, Co-Trustee, Johnson Family Trust, 86252 581 Avenue, Wakefield, Nebraska 68784; and Janice A. Johnson, Co-Trustee, Johnson Family Trust, 86252 581 Avenue, Wakefield, Nebraska 68784.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-15865 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-15865 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



July 27, 2022

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:

Richard L. Johnson, Co-Trustee
Johnson Family Trust
86252 581 Avenue
Wakefield, Nebraska 68784

Janice A. Johnson, Co-Trustee
Johnson Family Trust
86252 581 Avenue
Wakefield, Nebraska 68784