

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-5982

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5982 is held by the Methodist Church of Ithaca.
2. A search of the records of the Saunders County Register of Deeds indicates the Village of Ithaca owns a portion of the land appurtenant to appropriation A-5982.
3. Appropriation A-5982 with a priority date of February 24, 1954, authorizes the use of water for irrigation of the 145.0 acres of land described below. The water may be diverted from Silver Creek at points of diversion located on both banks of the stream in the $W\frac{1}{2}NE\frac{1}{4}$ of Section 28, Township 14 North, Range 08 East of the 6th P.M. in Saunders County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 1.04 cfs from all points of diversion.

Township 14 North, Range 08 East of the 6 th P.M. in Saunders County		Acres
Section 28:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	41.5
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.5
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>37.5</u>
	TOTAL	145.0

4. The Department has received information concerning the use of surface water appropriation A-5982 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
5. On January 19, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-5982. The Notice was delivered by certified mail to Methodist Church of Ithaca, Mary Hass, P.O. Box 104, Ithaca, Nebraska 68033; and Village of Ithaca, P.O. Box 123, Ithaca, Nebraska 68033.
6. No contest of the Preliminary Determination of Nonuse was received in the Department.
7. The Department has determined that appropriation A-5982 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-5982 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



March 13, 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:

Methodist Church of Ithaca
Mary Hass
P.O. Box 104
Ithaca, Nebraska 68033

Village of Ithaca
P.O. Box 123
Ithaca, Nebraska 68033