

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8528

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8528 is held by Gaudencio Castro Torres and Elia Francisca Rodriguez Chavez.
2. Appropriation A-8528 has a priority date of April 30, 1956, and authorizes the use of water for irrigation of the 1.5 acres of land described below. The water may be diverted from Sand Creek at a point of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 15 North, Range 07 East of the 6th P.M. in Saunders County. The rate that water may be diverted shall not exceed 0.01 cubic feet per second.

Township 15 North, Range 07 East of the
6th P.M. in Saunders County Acres

Section 34: NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.5

3. The Department has received information concerning the use of surface water appropriation A-8528 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On August 30, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8528. The Notice was delivered by certified mail to Gaudencio Castro Torres and Elia Francisca Rodriguez Chavez, 2186 North Highway 77, Wahoo, Nebraska 68066.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8528 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-8528 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



October 4, 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:

Gaudencio Castro Torres and
Elia Francisca Rodriguez Chavez
2186 North Highway 77
Wahoo, Nebraska 68066