

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**CORRECTED NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-5982**

WATER DIVISION 2-B

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 has a priority date of February 24, 1954, and 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 1.04 cubic feet per second (cfs) from all points of diversion.

<u>Township 14 North, Range 08 East of the 6th P.M. in Saunders County</u>	<u>Acres</u>
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 and determined that the appropriation has not been used for its required purpose for more than five consecutive years.
5. At this time the Department knows of no reason for not using the appropriation that would be considered sufficient cause for nonuse under *Nebraska Revised Statutes* § 46-229.04.
6. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that appropriation A-5982 will be cancelled unless the Department's determination is successfully contested.
7. The owner(s) of the land that may be irrigated under water appropriation A-5982 may:

- A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling all of water appropriation A-5982.**
- B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on February 20, 2023. No filing fee is required.
8. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, *Nebraska Revised Statutes* §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; and (3) a copy of the Report of Field Investigation which is the basis for the determination.
9. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislation.gov/laws>.
10. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

January 19, 2023

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's field office in Lincoln, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail 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