

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-3187

CASE NUMBER 2020-4-PD-1

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3187 is held by Witt Ranches, LLC.
2. Appropriation A-3187 with a priority date of June 21, 1940, authorizes the use of water for irrigation of the 42 acres of land described below. The water may be diverted from Hay Creek at a point of diversion located on the north bank of the stream in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, Township 35 North, Range 34 West of the 6<sup>th</sup> P.M. in Cherry County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 85 acres irrigated at a maximum rate of 0.50 cfs.

<u>Township 35 North, Range 34 West of the 6<sup>th</sup> P.M. in Cherry County</u>	<u>Acres</u>
Section 20: NW $\frac{1}{4}$ SW $\frac{1}{4}$	2
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$	20
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>8</u>
TOTAL	42

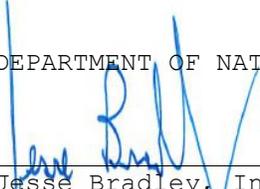
3. The Department has received information concerning the use of surface water appropriation A-3187 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 29, 2020, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-3187. The Notice was delivered by certified mail to John J. Witt, Witt Ranches, LLC, 35477 Hay Valley Road, Cody, Nebraska 69211.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-3187 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-3187 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2020

  
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Jesse Bradley, Interim 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 on July 6, 2020, to the following:

John J. Witt  
Witt Ranches, LLC  
35477 Hay Valley Road  
Cody, Nebraska 69211