

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15476

CASE NUMBER 2013-45-PD-1

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15476 is held by Gary D. Vitosh.
2. A search of the records of the Gage County Register of Deeds indicates the land appurtenant to appropriation A-15476 may be under a right-of-way for a State Highway by the State of Nebraska Department of Roads.
3. Appropriation A-15476 has a priority date of May 11, 1979, and authorizes the use of water for irrigation of the 110 acres of land described below. The water may be diverted from Big Indian Creek at a point of diversion located on right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, Township 1 North, Range 5 East of the 6<sup>th</sup> P.M. in Gage County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.57 cfs.

Township 1 North, Range 5 East of the  
6<sup>th</sup> P.M. in Gage County

	Acres
Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	34
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20</u>
TOTAL	110

4. On August 19, 2013, Gary D. Vitosh filed in the Department a Contest of Preliminary Determination of Nonuse. This petition was filed in a timely manner prior to the August 26, 2013, deadline.
5. The Nebraska Department of Roads did not file in the Department a Contest of Preliminary Determination of Nonuse.
6. On April 24, 2014, Gary D. Vitosh filed a Relinquishment of Water Appropriation, REL-5048, in the office of the Department relinquishing the right to divert water under appropriation A-15476 for use upon the land described above.

7. The Department should withdraw from case number 2013-45-CC-1 and act on relinquishment REL-5048 cancelling appropriation A-15476.

IT IS HEREBY ORDERED:

1. Case number 2013-45-PD-1 is DISMISSED.
2. Appropriation A-15476 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 29, 2014

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on May 29, 2014, to the following:

Gary D. Vitosh  
105 North 6<sup>th</sup> Apartment 412  
Beatrice, Nebraska 68310

Arnold Vitosh  
40192 South West 61<sup>st</sup> Road  
Odell, Nebraska 68415

Robert Frickel, Right-of-Way Manager  
Nebraska Department of Roads  
1500 Highway 2  
P.O. Box 94759  
Lincoln, Nebraska 68509