

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-5085

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5085 is held by Mira Creek Land Company.
2. Appropriation A-5085 with a priority date of November 28, 1952, authorizes the use of water for irrigation of the 40 acres of land described below. The water may be diverted from the North Loup River at a point of diversion located on the south bank of the stream in Lot 9 Section 30, Township 18 North, Range 12 West of the 6<sup>th</sup> P.M. in Greeley County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 130 acres irrigated at a maximum rate of 0.31 cfs.

Township 18 North, Range 12 West of the 6 <sup>th</sup> P.M. in Greeley County		Acres
Section 30:	Lot 10 (Part W $\frac{1}{2}$ NW $\frac{1}{4}$ )	25
	Lot 9 (Part S $\frac{1}{2}$ NW $\frac{1}{4}$ )	5
	Lot 8 (Part S $\frac{1}{2}$ NE $\frac{1}{4}$ )	<u>10</u>
	TOTAL	40

3. The Department has received information concerning the use of surface water appropriation A-5085 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On July 22, 2011, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-5085. The notice was delivered by certified mail to Mira Land Company c/o Richard Naby, President, 2307 West Koenig Street, Grand Island, Nebraska, 68803; and to Mira Land Company c/o Leonard Parachini, Secretary, 1101 Division Street, Fullerton, Nebraska, 68638.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-5085 has not been used for its required purpose for more than five consecutive years.

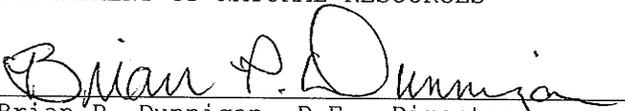
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-5085 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

September 15, 2011

  
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 Ord, Nebraska. A copy of this Order was mailed on September 15, 2011, to the following:

Mira Creek Land Company  
c/o Richard Nabity, President  
2307 West Koenig Street  
Grand Island, Nebraska 68803

Mira Creek Land Company  
c/o Leonard Parachini, Secretary  
1101 Division Street  
Fullerton, Nebraska 68638