

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION OF WATER APPROPRIATION A-1787

WATER DIVISION 2-D

Background

1. Surface water appropriation A-1787 is held by the Whitney Irrigation District (District).
2. Appropriation A-1787, with a priority date of April 28, 1921, authorizes the use of water for supplemental irrigation of 7,139.5 acres of land included under natural flow appropriation A-1625. The water may be diverted from Whitney Reservoir, storage appropriation A-1603, at a point of diversion located in Section 4, Township 32 North, Range 51 West of the 6<sup>th</sup> P.M. in Dawes County.
3. On October 17, 2008, Relinquishments of Water Appropriation In Part REL-1541, REL-1543 and REL-1548 were filed in the Department by the District and individual landowners relinquishing the right to divert water under appropriation A-1787 to irrigate the 88.6 acres of land described below.

**REL-1541**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2
NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>30.0</u>
Sub Total	42.8

**REL-1543**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 23: NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.2
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**REL-1548**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 23: NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.4
NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>5.2</u>
Sub Total	<u>24.6</u>

**TOTAL 88.6**

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-1787 for use upon the 88.6 acres described below and shown on aerial photographs filed with REL-1541, REL-1543 and REL-1548 is CANCELLED.

**REL-1541**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 26:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.2
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>30.0</u>
	Sub Total	42.8

**REL-1543**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 23:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.2
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**REL-1548**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 23:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.4
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>5.2</u>
	Sub Total	<u>24.6</u>

**TOTAL**

**88.6**

2. The Department acknowledges the Notification of Assignment of Rights, AOR-1542, AOR-1546 and AOR-1565, filed by the District on October 17, 2008, to reassign the water from A-1787 relinquished from the 88.6 acres described above to the 88.6 acres described below. The location of these lands is shown on the aerial photographs submitted with AOR-1542, AOR-1546 and AOR-1565.

**AOR-1542**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 26:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.9
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.3
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.6
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	18.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>9.3</u>
	Sub Total	42.8

**AOR-1546**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 23:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.9
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>6.7</u>
	Sub Total	24.6

**AOR-1565**

Township 33 North, Range 51 West of the  
6<sup>th</sup> P.M. in Dawes County Acres

Section 22:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>10.7</u>
	Sub Total	<u>21.2</u>

**TOTAL 88.6**

3. Appropriation A-1787 authorizes the use of water for supplemental irrigation of 7,139.5 acres of land, included under natural flow appropriation A-1625, diverted from Whitney Reservoir, storage appropriation A-1603, remains IN FULL FORCE AND EFFECT.
4. All terms and conditions of appropriation A-1787 remain in effect unless specifically changed by this Order.
5. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - a. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
  - b. Notify the Department of Natural Resources of any reassignment of relinquished portions of an appropriation.
  - c. Comply with all relevant notices and orders of the Department.

Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

