

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
ORDER OF PARTIAL CANCELLATION AND ASSIGNMENT
OF WATER APPROPRIATION D-781
WATER DIVISION 1-A

BACKGROUND

1. Surface water appropriation D-781 is held by the Hooper Irrigation District (District).
2. Appropriation D-781, with a priority date of September 7, 1893, authorizes the use of water for irrigation of 842.0 acres of land. Within the 842 acres under D-781, 27 acres may not be irrigated and are subject to the temporary transfer T-1209 until September 30, 2020. The water may be diverted from Blue Creek via the Blue Creek-Hooper Canal headgate located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 17 North, Range 42 West of the 6th P.M. in Garden County. The amount of water that may be diverted is one cubic foot per second (cfs) for every 70 acres irrigated, at a maximum rate of 12.03 cfs, less the amount subject to T-1209.
3. On May 13, 2011, the District and individual landowners filed in the Department Relinquishment of Water Appropriation In Part REL-2106 relinquishing the right to divert a portion of the water under appropriation D-781 to irrigate the 21.8 acres of land described below:

REL-2106 (D-781)

<u>Township 16 North, Range 42 West of the 6th P.M. in Garden County</u>	<u>Acres</u>
Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.0</u>
TOTAL	21.8

4. On May 13, 2011, the District filed in the Department a Notification of Assignment of Rights, AOR-2105, to assign the portion of the water under appropriation D-781 previously relinquished to the land described below:

AOR-2105 (D-781)

<u>Township 16 North, Range 42 West of the 6th P.M. in Garden County</u>	<u>Acres</u>
Section 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.8

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation D-781 for use upon the 21.8 acres described below and shown on aerial photographs filed with REL-2106 is CANCELLED.

REL-2106 (D-781)

Township 16 North, Range 42 West of the
6th P.M. in Garden County Acres

Section 20: SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.8
NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.0</u>
TOTAL	21.8

2. The Department acknowledges the Notification of Assignment of Rights, AOR-2105, filed by the District on May 13, 2011, to assign the portion of D-781 previously relinquished to the land described below. The location of these lands is shown on the aerial photographs submitted with AOR-2105.

AOR-2105 (D-781)

Township 16 North, Range 42 West of the
6th P.M. in Garden County Acres

Section 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 21.8

3. The right to divert 12.03 cfs, less the amount subject to T-1209 until such time as T-1209 is no longer in effect, from Blue Creek under D-781 via the Blue Creek-Hooper Canal for use upon 815.0 acres shall remain IN FULL FORCE AND EFFECT.
4. Lands entitled to irrigation from Blue Creek via the Blue Creek-Hooper Canal under appropriation D-781 are described on Attachment A, which is made a part of this Order.
5. All terms and conditions of appropriation D-781 remain in effect unless specifically changed by this Order.
6. 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 assignment of relinquished portions of an appropriation.
 - C. Comply with all relevant notices and orders of the Department.

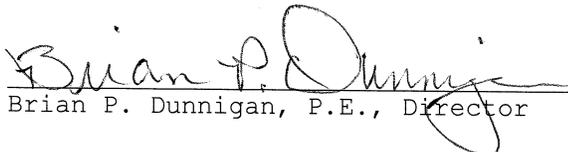
ADDITIONAL INFORMATION

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.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

December 7, 2011


Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and Attachment A were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and Attachment A were mailed on December 7, 2011, to the following:

Hooper Irrigation District
c/o Rex Miller
19555 Road 50
Lewellen, Nebraska 69147

ATTACHMENT A

Blue Creek-Hooper Canal
Lands Entitled to Water

As of Order Dated December 7, 2011

<u>Legal Description</u>	<u>D-781</u>	<u>D-781 T-1209*</u>
Garden County		
NW SE S07 T16N-R42W	13.0	0.0
SW SE S07 T16N-R42W	19.0	0.0
SE SE S07 T16N-R42W	1.0	0.0
SW NW S17 T16N-R42W	3.0	0.0
NW SW S17 T16N-R42W	37.0	0.0
NE SW S17 T16N-R42W	39.0	0.0
SW SW S17 T16N-R42W	28.0	0.0
SE SW S17 T16N-R42W	38.0	0.0
SW SE S17 T16N-R42W	1.0	0.0
NW NE S18 T16N-R42W	20.0	0.0
NE NE S18 T16N-R42W	21.0	0.0
SW NE S18 T16N-R42W	20.0	0.0
SE NE S18 T16N-R42W	40.0	0.0
NW SE S18 T16N-R42W	23.0	0.0
NE SE S18 T16N-R42W	41.0	0.0
SW SE S18 T16N-R42W	10.0	0.0
SE SE S18 T16N-R42W	41.0	0.0
NW NE S19 T16N-R42W	1.0	0.0
NE NE S19 T16N-R42W	19.0	16.0
SW NE S19 T16N-R42W	1.0	0.0
SE NE S19 T16N-R42W	20.0	11.0
NE SE S19 T16N-R42W	17.0	0.0
SE SE S19 T16N-R42W	39.0	0.0
NW NW S20 T16N-R42W	30.0	0.0
NE NW S20 T16N-R42W	41.0	0.0
SW NW S20 T16N-R42W	36.0	0.0
SE NW S20 T16N-R42W	41.0	0.0
NW NE S20 T16N-R42W	4.0	0.0
SW NE S20 T16N-R42W	34.0	0.0
NW SW S20 T16N-R42W	22.0	0.0
NE SW S20 T16N-R42W	41.0	0.0
SW SW S20 T16N-R42W	36.0	0.0
SE SW S20 T16N-R42W	34.0	0.0
NW SE S20 T16N-R42W	4.0	0.0
Total	815.0	27.0

*Land that may NOT be irrigated during the term of T-1209, a temporary transfer ending September 30, 2020.