

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18419

AND DISMISSAL OF RELINQUISHMENT REL-5662

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18419 is for storage use from Henderson Irrigation Reservoir (storage appropriation A-18418) and is held by James Henderson.
2. Appropriation A-18419, with a priority date of August 17, 2006, conditionally authorized by Order dated August 16, 2007, the use of water for irrigation of the 189.0 acres of land described below. The water was to be diverted from Henderson Irrigation Reservoir (storage appropriation A-18418) at a point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 33 North, Range 09 West of the 6th P.M. in Boyd County. Water diverted shall not exceed 182.9 acre-feet per annum.

Township 33 North, Range 09 West of the 6 th P.M. in Boyd County		Acres
Section 14:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	19.1
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.1
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.0
Section 23:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.7
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>37.3</u>
	TOTAL	189.0

3. The approval of appropriation A-18419 was conditional upon the irrigation of the above land by September 1, 2009.
4. Department personnel performed a field investigation and determined the land approved for irrigation under appropriation A-18419 had not been irrigated by September 1, 2009.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.
6. On May 16, 2016, James Henderson filed in the Department relinquishment REL-5662 relinquishing the right to divert water under a portion of appropriation A-18419. Relinquishment REL-5662 should be dismissed because the appropriator did not comply with the conditions of the application approval.

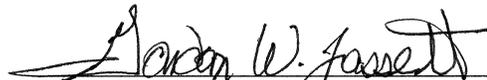
ORDER

IT IS HEREBY ORDERED:

1. Relinquishment REL-5662 is DISMISSED.
2. Appropriation A-18419 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

May 19, 2016


Gordon W. Fassett, 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. Copies of this Order and field investigation report were mailed on May 19, 2016, to the following:

James Henderson
89560 513 Avenue
Niobrara, Nebraska 68760