

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF RELINQUISHMENT IN PART REL-1447

FOR WATER APPROPRIATION A-9999B

WATER DIVISION 2-C

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-9999B is held by Seth Terrell, Brock Terrell and Shane Terrell.
2. On January 24, 2008, Seth Terrell, Brock Terrell and Shane Terrell filed a partial relinquishment of appropriation A-9999B, REL-1447, relinquishing the right to divert water under appropriation A-9999B to irrigate the 36.0 acres of land described below.

<u>Township 29 North, Range 45 West of the</u>		
<u>6<sup>th</sup> P.M. in Sheridan County</u>		<u>Acres</u>
Section 21:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>9.0</u>
	TOTAL	36.0

3. Partial relinquishment REL-1447 is conditioned on the Department's approval of a diversion rate for irrigation in excess of one cubic foot per second (cfs) for every 70 acres for the remaining land authorized under appropriation A-9999B.
4. Nebraska Revised Statutes Section 46-231 provides that an allotment for irrigation from the natural flow of streams shall not exceed one cfs for each 70 acres of land. Partial relinquishment REL-1447 does not meet this requirement; therefore, the relinquishment must be dismissed.

Order

IT IS HEREBY ORDERED partial relinquishment REL-1447 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

January 11 , 2010

\_\_\_\_\_/s/\_\_\_\_\_  
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 Bridgeport, Nebraska. A copy of this Order was mailed on January \_\_\_\_\_, 2010, to the following:

Seth Terrell  
4252 436<sup>th</sup> Trail  
Hay Springs, Nebraska 69347

Shane Terrell  
3225 Centerberry #8  
Manhattan, Kansas 66503

Brock Terrell  
3814 295<sup>th</sup> Trail  
Alliance, Nebraska 69301