

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9628,

AND NOTIFICATION FOR REASSIGNMENT REA-9629

FOR WATER APPROPRIATIONS A-10454BR

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10454BR is held by Farwell Irrigation District (District).
2. Appropriation A-10454BR has a priority date of October 9, 1964, and authorizes the use of water for irrigation of 9.0 acres of land. The water may be diverted from Turkey Creek at a point of diversion located on left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 14 North, Range 10 West of the 6th P.M. in Howard County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.13 cfs from all points of diversion.
3. On April 8, 2022, the District and individual owners filed provisional relinquishment PREL-9628 relinquishing the right to irrigate portions of land under appropriation A-10454BR.
4. On April 8, 2022, the District filed in the Department Notification for Reassignment REA-9629 to assign portions of the right previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. Water under appropriation A-10454BR for use upon the land described below is CANCELLED.

Township 14 North, Range 10 West of the 6 th P.M. in Howard County		Acres
Section 30:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>8.4</u>
	TOTAL	9.0

2. The Department acknowledges REA-9629 to assign water under appropriation A-10454BR for use upon the land described below.

Township 14 North, Range 10 West of the		
6 th P.M. in Howard County		Acres
Section 30:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>0.8</u>
	TOTAL	9.0

3. All terms and conditions of previous orders for appropriation A-10454 remain in effect unless specifically changed by this Order.
4. The appropriator shall file a map of all lands to be irrigated within six months of the signing date of this Order.
5. Pursuant to *Neb. Rev. Stat. § 46-229.04(5)* the District may assign, within 5 years of the Order of Cancellation by the Department, the relinquished portion of an appropriation.
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 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.

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



Thomas E. Riley, P.E., Director

May 3, 2022

Copies of this Order provided to the Department's field office in Ord, Nebraska,
and mailed to the following:

Farwell Irrigation District
Matt Lukasiewicz, General Manager
P.O. Box 137
Farwell, NE 69336-1028