

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9840

AND NOTIFICATION OF REASSIGNMENT REA-9841

FOR WATER APPROPRIATION D-464A

WATER DIVISION 2-D

BACKGROUND

1. Appropriation D-464A is held by the Harris-Cooper Mutual Irrigation Company (HCMID). Appropriation D-464A allows the appropriator to divert water from the White River into and through the Harris-Cooper Canal at its headgate located in the NW¹/₄SE¹/₄ of Section 26, Township 32 North, Range 52 West of the 6th P.M. in Dawes County for the purpose of irrigation. Appropriation D-464A has a priority date of March 9, 1894, and authorizes the use of water for irrigation of 727.58 acres of land as summarized on **Attachment A**.
2. On January 19, 2023, George J. Schilling on behalf of HCMID, and individual landowners filed in the Department Provisional Relinquishment of Surface Water Appropriation, PREL-9840, relinquishing the right to irrigate portions of land under appropriation D-464A.
3. On February 13, 2023, HCMID filed Notification for Reassignment of Rights, REA-9841, to assign portions of the right previously relinquished and map number 21156 showing the change of location of acres under appropriation D-464A through relinquishment PREL-9840 and assignment of rights REA-9841.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under appropriation D-464A from the White River through the Harris-Cooper Canal for use upon the land described on **Attachment B** and shown on map number 21156 filed with PREL-9840 is CANCELLED.
2. The Department acknowledges REA-9841 to reassign the portions of water under appropriation D-464A previously relinquished for use upon the land described on **Attachment B** and shown on map number 21156.

3. The land depicted on map number 21156 only represents the change of location of acres under appropriation D-464A through relinquishment PREL-9840 and reassignment of rights REA-9841.
4. All terms and conditions of appropriation D-464A remain in effect unless specifically changed by this Order.
5. A list of land entitled to water via the Harris-Cooper Canal for appropriation D-464A is described on **Attachment C**.
6. A summary of the appropriations' acres and grants as a result of the District's filings in the Department before and after this Order, and the portions of the District's appropriations that are available for future reassignment or transfer are summarized in Attachment D.
7. **Attachments B and C and D** are hereby made a part of this Order.
8. 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.
9. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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 more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

March 31, 2023

Copies of this Order and Attachments were posted on the Department's website, provided to the Department's field office in Bridgeport, Nebraska, and mailed to the following:

George J. Schilling, President
Harris-Cooper Mutual Irrigation Company
231 Raben Road
Whitney, Nebraska 69367

Robert C. and Rhonda Grantham
110 Corner Road
Crawford, Nebraska 69339

A. Quinn and Wacey Johnson
242 Whitney Lake Road
Crawford, Nebraska 69339

Ray and Judy Drinkwalter
211 Mansfield Road
Whitney, Nebraska 69339

ATTACHMENT A
Harris-Cooper Mutual Irrigation Company
Harris-Cooper Canal

The following is a summary of Harris-Cooper Mutual Irrigation District's surface water appropriations' acres and grants before this Order

Appropriation Number	Priority Date	Source	Use	Acres and Grant Appurtenant Prior to this Order		Available for Assignment Prior to this Order	
				Acres	Grant ¹	Acres	Grant
D-464A	3/9/1894	White River	IR ²	727.58	10.39	-	-
D-464B	6/15/1894	White River	IR	110.00	1.57	-	-

¹ Grant in cubic feet per second

² Irrigation from natural stream

Attachment B
Harris-Cooper Mutual Irrigation Company
Provisional Relinquishment PREL-9840 and
Reassignment of Acres REA-9841
Surface Water Permit D-464A

D-464A (8744)			
Legal Description	County	PREL-9840 Acres OUT	REA-9841 Acres IN
NW NW S24 T32N-R52W	Dawes		0.20
NE NW S24 T32N-R52W	Dawes		27.00
SW NW S24 T32N-R52W	Dawes		0.50
SE NW S24 T32N-R52W	Dawes		7.90
NW NE S24 T32N-R52W	Dawes	1.65	19.90
NE NE S24 T32N-R52W	Dawes	5.00	
SW NE S24 T32N-R52W	Dawes	22.29	1.00
SE NE S24 T32N-R52W	Dawes	18.43	
NW SE S24 T32N-R52W	Dawes	7.00	
NE SE S24 T32N-R52W	Dawes	2.13	
Total		56.50	56.50

Attachment C

Harris-Cooper Mutual Irrigation Company Harris-Cooper Canal Lands Entitled to Surface Water as a Result of PREL-9840 & REA-9841

Legal Description	County	Natural Flow Appropriations		
		D-464A (8744)	D-464B (8745)	Natural Flow Total
NW NW S24 T32N-R52W	Dawes	0.20		0.20
NE NW S24 T32N-R52W	Dawes	27.00		27.00
SW NW S24 T32N-R52W	Dawes	0.50		0.50
SE NW S24 T32N-R52W	Dawes	11.45		11.45
NW NE S24 T32N-R52W	Dawes	19.90		19.90
NE NE S24 T32N-R52W	Dawes	17.00		17.00
SW NE S24 T32N-R52W	Dawes	16.34		16.34
SE NE S24 T32N-R52W	Dawes	15.41		15.41
NE SW S24 T32N-R52W	Dawes	13.27		13.27
SW SW S24 T32N-R52W	Dawes	2.84		2.84
SE SW S24 T32N-R52W	Dawes	20.85		20.85
NW SE S24 T32N-R52W	Dawes	21.63		21.63
NE SE S24 T32N-R52W	Dawes	0.00		0.00
SW SE S24 T32N-R52W	Dawes	3.08		3.08
NW NW S17 T32N-R51W	Dawes	28.00		28.00
NE NW S17 T32N-R51W	Dawes	10.00		10.00
SW NW S17 T32N-R51W	Dawes	40.00		40.00
SE NW S17 T32N-R51W	Dawes	34.00		34.00
NW SW S17 T32N-R51W	Dawes	36.92		36.92
NE SW S17 T32N-R51W	Dawes	27.00		27.00
SW SW S17 T32N-R51W	Dawes	15.00		15.00
SE SW S17 T32N-R51W	Dawes	3.00		3.00
NW NW S18 T32N-R51W	Dawes		26.00	26.00
NE NW S18 T32N-R51W	Dawes		37.00	37.00
SW NW S18 T32N-R51W	Dawes		12.00	12.00
SE NW S18 T32N-R51W	Dawes		35.00	35.00
NW NE S18 T32N-R51W	Dawes	37.00		37.00
NE NE S18 T32N-R51W	Dawes	36.92		36.92
SW NE S18 T32N-R51W	Dawes	26.50		26.50
SE NE S18 T32N-R51W	Dawes	29.81		29.81
NW SW S18 T32N-R51W	Dawes	24.80		24.80
NE SW S18 T32N-R51W	Dawes	32.38		32.38
SW SW S18 T32N-R51W	Dawes	13.85		13.85
SE SW S18 T32N-R51W	Dawes	16.79		16.79
NE SE S18 T32N-R51W	Dawes	31.00		31.00
SE SE S18 T32N-R51W	Dawes	10.00		10.00
NW NW S19 T32N-R51W	Dawes	36.00		36.00
NE NW S19 T32N-R51W	Dawes	28.15		28.15
SW NW S19 T32N-R51W	Dawes	34.79		34.79
SE NW S19 T32N-R51W	Dawes	5.45		5.45
NW NE S19 T32N-R51W	Dawes	0.75		0.75
Total		727.58	110.00	837.58

ATTACHMENT D

Harris-Cooper Mutual Irrigation Company

The following is a summary of Harris-Cooper Mutual Irrigation District's surface water appropriations' acres and grants as a result of PREL-9840 and REA-9841

Appropriation Number	Use	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Cancelled in this Order		Amount Assigned in this Order		Amount Available for Assignment After this Order		Appurtenant Portion Effective this Order	
		Acres	Grant ¹	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant
D-464A	IR ²	727.58	10.39	-	-	56.50	0.81	56.50	0.81	-	-	727.58	10.39
D-464B	IR	110.00	1.57	-	-	-	-	-	-	-	-	110.00	1.57

¹ Grant in cubic feet per second

² Irrigation from natural stream