

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9811 AND 9812

AND NOTIFICATION OF REASSIGNMENT REA-9813 AND REA-9814

OF WATER APPROPRIATION D-477 and D-477R

WATER DIVISION 2-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations D-477 and D-477R are held by the White River Irrigation District (District). The aforementioned appropriations allow the appropriator to divert water from the White River for irrigation as summarized on **Attachment A**.
2. Appropriation D-477, with a priority date of December 31, 1894, authorizes the District to divert 4.28 cubic feet per second (cfs) of water for irrigation of 369 acres. The water may be diverted from the White River via the White River Canal headgate located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 32 North, Range 52 West of the 6th P.M. in Dawes County.
3. Appropriation D-477R, with a priority date of December 31, 1894, authorizes the District to divert 1.00 cfs of water of water for irrigation of the same 369 acres mentioned above. The water may be diverted from White River via the White River Canal headgate located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 32 North, Range 52 West of the 6 P.M. in Dawes County.
4. On February 28, 2023, the District and individual landowners filed in the Department Provisional Relinquishment PREL-9811 and PREL-9812 to provisionally relinquish the right to irrigate portions of land under appropriations D-477 and D-477R respectively and Notification of Reassignment REA-9813 and REA-9814 to reassign portions of the appropriations previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under D-477 and D-477R from the White River through the White River Canal for use upon the land described in **Attachment B** is CANCELLED.
2. The Department acknowledges REA-9813 and REA-9814 to reassign a portion of water under D-477 and D-477R for use upon the land described in **Attachment B** as shown on map number 21125.

3. The land depicted on map number 21125 only represents the change of location of acres under appropriation D-477 and D-477R through relinquishments PREL-9811 and PREL-9812 and reassignments REA-9813 and REA-9814.
4. All terms and conditions of appropriations D-477 and D-477R remain in effect unless specifically changed by this Order.
5. Lands entitled to water under appropriations D-477 and D-477R are described in **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, 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. 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 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

April 17, 2023

Copies of this Order and Attachment A were posted on the Department's website. Copies of this Order, Attachment A, and map number 21125 were provided to the Department's field office in Bridgeport, Nebraska and mailed to the following:

Jake Wasserburger, President
White River Irrigation
District 151A Old Hwy 20
Crawford, Nebraska 69339

ATTACHMENT A White River Irrigation District

The following is a summary of White River Irrigation District's surface water appropriations' acres and grants prior to this Order:

Appropriation Number	Priority Date	Source	Use	Acres	Grant ¹	Available for Assignment Prior to this Order	
					cfs	Acres	Grant
D-477	12/31/1894	White River	IR ²	369.0	4.28	0.00	0.00
D-477R ³	12/31/1894	White River	IR	369.0	1.00	0.00	0.00
A-936	3/11/1909	White River	IR	100.0	1.43	0.00	0.00
A-15828	4/6/1981	White River	IR	241.7	3.45	0.00	0.00
A-15829	4/6/1981	Souther Reservoir	SI ⁴	229.9	-	0.00	-

¹ Grant is in cubic feet per second

² IR = Irrigation from natural flow

³ D-477R provides additional natural flow water to D-477

⁴ SI = Supplemental irrigation (from a reservoir) on land also covered by a natural flow appropriation

Attachment B
White River Irrigation District
Provisional Relinquishments PREL-9811 & 9812
Reassignment of Acres REA-9813 & 9814
For Surface Water Appropriations D-477 (8731) and D-477R (8764)

Legal Description	County	D-477 (8731)		D-477R (8764)	
		PREL-9811	REA-9813	PREL-9812	REA-9814
SE SE S26 T32N-R52W	Dawes	11.9	0.0	11.9	0.0
SW NW S25 T32N-R52W	Dawes	0.0	11.1	0.0	11.1
NW SW S25 T32N-R52W	Dawes	0.0	0.8	0.0	0.8
Totals		11.9	11.9	11.9	11.9

Attachment C
White River Irrigation District
Lands Entitled to Surface Water After the Attached Order

Legal Description	County	D-477 (8731)	D-477R (8794)	A-936 (8732)	A-15828 (8733)	A-15829 (8787)
SW SE S24 T32N-R52W	Dawes	16.0	16.0	0.0	0.0	0.0
SE SE S24 T32N-R52W	Dawes	27.0	27.0	0.0	0.0	0.0
NE NW S25 T32N-R52W	Dawes	10.1	10.1	0.0	0.0	0.0
SW NW S25 T32N-R52W	Dawes	21.3	21.3	0.0	0.0	0.0
SE NW S25 T32N-R52W	Dawes	30.4	30.4	0.0	0.0	0.0
NW NE S25 T32N-R52W	Dawes	33.0	33.0	0.0	0.0	0.0
NE NE S25 T32N-R52W	Dawes	40.0	40.0	0.0	0.0	0.0
SE NE S25 T32N-R52W	Dawes	30.0	30.0	0.0	0.0	0.0
NW SW S25 T32N-R52W	Dawes	6.2	6.2	0.0	0.0	0.0
NE SW S25 T32N-R52W	Dawes	1.9	1.9	0.0	0.0	0.0
SE NE S26 T32N-R52W	Dawes	3.0	3.0	0.0	0.0	0.0
NE SE S26 T32N-R52W	Dawes	8.0	8.0	0.0	0.0	0.0
SE SE S26 T32N-R52W	Dawes	12.1	12.1	0.0	0.0	0.0
NW SW S19 T32N-R51W	Dawes	3.0	3.0	0.0	0.0	0.0
NE SW S19 T32N-R51W	Dawes	5.0	5.0	0.0	0.0	0.0
SW SW S19 T32N-R51W	Dawes	22.0	22.0	0.0	0.0	0.0
SE SW S19 T32N-R51W	Dawes	20.0	20.0	0.0	0.0	0.0
NW SE S19 T32N-R51W	Dawes	23.0	23.0	0.0	0.0	0.0
NE SE S19 T32N-R51W	Dawes	20.0	20.0	0.0	0.0	0.0
SW SE S19 T32N-R51W	Dawes	19.0	19.0	0.0	0.0	0.0
SE SE S19 T32N-R51W	Dawes	18.0	18.0	0.0	0.0	0.0
SW NW S29 T32N-R51W	Dawes	0.0	0.0	0.0	7.9	7.9
NW SW S29 T32N-R51W	Dawes	0.0	0.0	0.0	16.2	16.2
SW NW S30 T32N-R51W	Dawes	0.0	0.0	0.0	22.0	22.0
SE NW S30 T32N-R51W	Dawes	0.0	0.0	0.0	22.2	22.2
NE NE S30 T32N-R51W	Dawes	0.0	0.0	0.0	25.6	25.6
SW NE S30 T32N-R51W	Dawes	0.0	0.0	0.0	0.0	1.2
SE NE S30 T32N-R51W	Dawes	0.0	0.0	0.0	33.7	33.7
NW SW S30 T32N-R51W	Dawes	0.0	0.0	11.0	14.0	1.0
NE SW S30 T32N-R51W	Dawes	0.0	0.0	27.0	9.0	9.0
SW SW S30 T32N-R51W	Dawes	0.0	0.0	25.0	0.0	0.0
SE SW S30 T32N-R51W	Dawes	0.0	0.0	37.0	0.0	0.0
NW SE S30 T32N-R51W	Dawes	0.0	0.0	0.0	36.3	36.3
NE SE S30 T32N-R51W	Dawes	0.0	0.0	0.0	39.2	39.2
SW SE S30 T32N-R51W	Dawes	0.0	0.0	0.0	11.6	11.6
SE SE S30 T32N-R51W	Dawes	0.0	0.0	0.0	4.0	4.0
Totals		369.0	369.0	100.0	241.7	229.9

ATTACHMENT D
White River Irrigation District

The following is a summary of the appropriations' acres and grants as a result of the Wite River Irrigation District's filings in the Department of Natural Resources before and after the attached Order:

Appropriation Number	Use	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Relinquished in this Order		Amount Assigned in this Order		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-477	IR ²	369.0	4.28	0.00	0.00	11.9	0.14	11.9	0.14	0.0	0.0	369.0	4.28
D-477R ³	IR	369.0	1.00	0.00	0.00	11.9	0.03	11.9	0.03	0.0	0.0	369.0	1.00
A-936	IR	100.0	1.43	0.00	0.00	0.0	0.00	0.0	0.00	0.0	0.0	100.0	1.43
A-15828	IR	241.7	3.45	0.00	0.00	0.0	0.00	0.0	0.00	0.0	0.0	241.7	3.45
A-15829	SI ⁴	229.9	-	0.00	-	0.0	0.00	0.0	0.00	0.0	0.0	229.9	-

¹ Grant is in cubic feet per second

² IR = Irrigation from natural flow

³ D-477R provides additional natural flow water to D-477

⁴ SI = Supplemental irrigation (from a reservoir) on land also covered by a natural flow appropriation