

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENTS (CANCELLATION) PREL-9685 AND PREL-9686

AND NOTIFICATION OF REASSIGNMENT REA-9687

FOR WATER APPROPRIATIONS D-887 AND A-768

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-887, with a priority date of October 13, 1894, authorizes the Beerline Canal Company (BCC) to divert 14.19 cubic feet per second (cfs) from the North Platte River through the Beerline Canal at the headgate located in Section 24, Township 19 North, Range 49 West of the 6<sup>th</sup> P.M. in Morrill County for irrigation of 993 acres as summarized in **Attachment A**.
2. Water appropriation A-768 with a priority date of September 19, 1904, is a permit to divert water from Pathfinder Reservoir through the Beerline Canal for supplemental irrigation of lands covered by D-887 and storage water only to an additional 64 acres of land.
3. On March 28, 2023, BCC and individual landowners filed in the Department Provisional Relinquishment PREL-9685 to provisionally relinquish the right to irrigate portions of land under appropriation D-887 and Provisional Relinquishment PREL-9686 to provisionally relinquish the right to irrigate portions of land under appropriation A-768.
4. On March 28, 2023, BCC filed Notification of Reassignment REA-9687 in the Department to reassign portions of appropriations D-887 and A-768 previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under D-887 and A-768 for use upon the land described in **Attachment B** is CANCELLED.
2. The Department acknowledges REL-9687 to reassign a portion of water under appropriations D-887 and A-768 for use upon the land described on **Attachment B** as shown on aerial photograph filed with REA-9687 and map number 21167.
3. The aerial photograph and map number 21167 only represent the change of location of acres under appropriations D-887 and A-768 through provisional relinquishments PREL-9685 and PREL-9686 and reassignment REL-9687.

4. A listing of land entitled to irrigation under D-887 and A-768 is described in **Attachment C**.
5. A summary of the appropriations' acres and grants as a result of BCC's filings in the Department before and after this Order and the portions of BCC's appropriations that are available for future reassignment or transfer are summarized in **Attachment D**.
6. **Attachments B, C and D** and map number 21167 are hereby made a part of this Order.
7. All terms and conditions of previous orders for appropriations D-887 and A-768 remain in effect unless specifically changed by this Order.
8. Pursuant to Neb. Rev. Stat. § 46-229.04(5) BCC 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 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



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Thomas E. Riley, P.E., Director

April 25, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21167 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 21167 were mailed to the following:

Beerline Canal Company  
P.O. Box 35  
Broadwater, Nebraska 69125

Naomi Loxterkamp  
12307 U.S. Highway 26  
Broadwater, Nebraska 69125

Ned Loxterkamp  
12599 US Highway 26  
Broadwater, Nebraska 69125

Kenneth Loxterkamp  
12307 U.S. Highway 26  
Broadwater, Nebraska 69125

**ATTACHMENT A**  
**Beerline Canal Company**

**The Following is a Summary of Beerline Canal Company's  
Surface Water Appropriations Prior to this Order:**

Appropriation Number	Priority Date	Source	Use	Acres	Grant <sup>1</sup>	Available for Assignment	
						Acres	Grant
D-887 (257)	10/13/1894	North Platte River	IR <sup>2</sup>	993.0	14.19	-	-
A-768 (258)	9/19/1904	North Platte River	SI <sup>3</sup>	993.0	-	-	-
A-768 (333)	9/19/1904	North Platte River	SO <sup>4</sup>	64.0	-	-	-

<sup>1</sup>Grant = cubic feet per second

<sup>2</sup>IR = Irrigation from natural flow

<sup>3</sup>SI = Supplemental irrigation (Irrigation from reservoir on lands also covered by a direct flow application)

<sup>4</sup>SO = Store only (irrigation from reservoir on lands not covered by direct flow)

# ATTACHMENT B

## Beerline Canal Company

### Provisional Relinquishments

Legal Description	County	PREL-9685 D-887 (257)	PREL-9686 A-768 (258)
SE SW S22 T19N-R48W	Morrill	22.0	22.0
NW NW S26 T19N-R48W	Morrill	19.0	19.0
SW NW S26 T19N-R48W	Morrill	40.0	40.0
NW SW S26 T19N-R48W	Morrill	26.0	26.0
NE SE S27 T19N-R48W	Morrill	15.0	15.0
SE SE S27 T19N-R48W	Morrill	8.0	8.0
<b>Totals</b>		<b>130.0</b>	<b>130.0</b>

### Reassignment of Acres

Legal Description	County	REA-9687	
		D-887 (257)	A-768 (258)
SE SE S27 T19N-R48W	Morrill	32.8	32.8
SW SE S27 T19N-R48W	Morrill	31.9	31.9
NE NE S34 T19N-R48W	Morrill	32.7	32.7
NW NE S34 T19N-R48W	Morrill	32.6	32.6
<b>Total</b>		<b>130.0</b>	<b>130.0</b>

**Attachment C**  
**Beerline Canal Company**  
**Lands Entitled to Surface Water by Virtue of this Order**

Legal Description	County	D-887 (257)	A-768 (258)	A-768 (333)
<b>T19N-R48W</b>				
SW NW S19 T19N-R48W	Morrill	9.0	9.0	0.0
SE NW S19 T19N-R48W	Morrill	15.0	15.0	0.0
SW NE S19 T19N-R48W	Morrill	17.0	17.0	0.0
SE NE S19 T19N-R48W	Morrill	7.0	7.0	0.0
NW SW S19 T19N-R48W	Morrill	21.0	21.0	0.0
NE SW S19 T19N-R48W	Morrill	40.0	40.0	0.0
SE SW S19 T19N-R48W	Morrill	9.0	9.0	0.0
NW SE S19 T19N-R48W	Morrill	40.0	40.0	0.0
NE SE S19 T19N-R48W	Morrill	36.0	36.0	0.0
SW SE S19 T19N-R48W	Morrill	22.0	22.0	0.0
NW SW S20 T19N-R48W	Morrill	18.0	18.0	0.0
NE SW S20 T19N-R48W	Morrill	0.9	0.9	0.0
SW SW S20 T19N-R48W	Morrill	31.8	31.8	0.0
SE SW S20 T19N-R48W	Morrill	23.3	23.3	0.0
SW SE S20 T19N-R48W	Morrill	27.0	27.0	0.0
SE SE S20 T19N-R48W	Morrill	12.0	12.0	0.0
NW SW S21 T19N-R48W	Morrill	12.0	12.0	0.0
NE SW S21 T19N-R48W	Morrill	19.0	19.0	0.0
SW SW S21 T19N-R48W	Morrill	17.0	17.0	0.0
SE SW S21 T19N-R48W	Morrill	32.0	32.0	0.0
NW SE S21 T19N-R48W	Morrill	7.0	7.0	0.0
SW SE S21 T19N-R48W	Morrill	38.0	38.0	0.0
SW SW S22 T19N-R48W	Morrill	23.0	23.0	0.0
NE NW S27 T19N-R48W	Morrill	17.0	17.0	0.0
SW NW S27 T19N-R48W	Morrill	24.0	24.0	0.0
SE NW S27 T19N-R48W	Morrill	10.0	10.0	0.0
NW NE S27 T19N-R48W	Morrill	18.0	18.0	0.0
NE NE S27 T19N-R48W	Morrill	2.0	2.0	0.0
SW NE S27 T19N-R48W	Morrill	34.0	34.0	0.0
SE NE S27 T19N-R48W	Morrill	14.0	14.0	0.0
NW SW S27 T19N-R48W	Morrill	40.0	40.0	0.0
NE SE S27 T19N-R48W	Morrill	6.0	6.0	0.0
SW SE S27 T19N-R48W	Morrill	31.9	31.9	0.0
SE SE S27 T19N-R48W	Morrill	32.8	32.8	0.0
NW NW S28 T19N-R48W	Morrill	36.0	36.0	0.0
NE NW S28 T19N-R48W	Morrill	36.0	36.0	0.0
SW NW S28 T19N-R48W	Morrill	3.0	3.0	0.0
SE NW S28 T19N-R48W	Morrill	28.0	28.0	0.0
SW NE S28 T19N-R48W	Morrill	31.3	31.3	0.0
SE NE S28 T19N-R48W	Morrill	22.7	22.7	0.0
NE SW S28 T19N-R48W	Morrill	0.0	0.0	1.0
NW SE S28 T19N-R48W	Morrill	21.5	21.5	3.5
NE SE S28 T19N-R48W	Morrill	7.5	7.5	30.5
SW SE S28 T19N-R48W	Morrill	0.0	0.0	1.0
SE SE S28 T19N-R48W	Morrill	0.0	0.0	24.0
NE NE S29 T19N-R48W	Morrill	6.0	6.0	4.0
NW NE S34 T19N-R48W	Morrill	32.6	32.6	0.0
NE NE S34 T19N-R48W	Morrill	32.7	32.7	0.0
SW SW S35 T19N-R48W	Morrill	29.0	29.0	0.0
<b>Totals</b>		<b>993.0</b>	<b>993.0</b>	<b>64.0</b>

**ATTACHMENT D**

**Beerline Canal Company**

**The following is a summary of the appropriations' acres and grants as a result of the Beerline Canal Company's filings in the Department of Natural Resources before and after the attached Order:**

Appropriation Number	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Relinquished in this Order		Amount Assigned in this Order		Total Available for Assignment after this Order		Appurtenant Portion Effective This Order	
	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant
D-887 (257)	993.0	14.19	0.0	0.00	130.0	1.86	130.0	1.86	0.0	0.00	993.0	14.19
A-768 (258)	993.0	-	0.0	-	130.0	-	130.0	-	0.0	-	993.0	-
A-768 (333)	64.0	-	0.0	-	-	-	-	-	0.0	-	64.0	-