

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9701 AND 9702

AND NOTIFICATION FOR REASSIGNMENT REA-9703 AND 9704

OF WATER APPROPRIATIONS D-680R AND A-2726

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-680R is held by Thirty Mile Irrigation District (TMID) and Central Platte Natural Resources District (CPNRD); appropriation A-2726 is held by Nebraska Public Power District (NPPD). The aforementioned appropriations allow the appropriators to divert water from the Platte River and Sutherland Reservoir into and through the Thirty Mile Canal at its headgate located in the NW¹/₄NW¹/₄ of Section 30, Township 12 North, Range 26 West of the 6th P.M. in Lincoln County for irrigation, supplemental irrigation and incidental underground storage as summarized in **Attachment A**.
2. On October 12, 2022, NPPD filed in the Department Provisional Relinquishment of Surface Water Appropriation in Part PREL-9702 relinquishing the right to irrigate portions of land under A-2726, and Notification of Reassignment REA-9704 to assign portions of the right previously relinquished.
3. On October 14, 2022, TMID and CPNRD filed in the Department Provisional Relinquishment of Surface Water Appropriation in Part PREL-9701 relinquishing the right to irrigate portions of land under D-680R, and Notification of Reassignment REA-9703 to assign portions of the right previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of appropriations A-2726 and D-680R for use upon the land described on **Attachment B** are CANCELLED.
2. The Department acknowledges REA-9703 and REA-9704, to assign portions of appropriations A-2726 and D-680R to the land listed on **Attachment C**.

3. All terms and conditions of previous orders for appropriations A-2726 and D-680R remain in effect unless specifically changed by this Order.
4. Land entitled to water via the Thirty Mile Canal for appropriations A-2726 and D-680R are described in **Attachment D**.
5. 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 E**.
6. Attachments B, C, D and E are hereby made a part of this Order.
7. 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.
8. 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 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 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

January 30, 2024

A copy of this Order and Attachments A, B, C, D, and E were posted on the Department's website, provided to the Department's field offices in Bridgeport and North Platte, Nebraska and mailed to the following:

Brian Barels, Water Resources Manager
Nebraska Public Power District
P.O. Box 499
Columbus, Nebraska 68602-0499

Jeff Shafer
Nebraska Public Power District
P.O. Box 608
York, Nebraska 68647-0608

Lyndon Vogt, General Manager
Central Platte Natural Resources District
214 North Kaufman Avenue
Grand Island, Nebraska 68803

ATTACHMENT A

Thirty Mile Canal

**The following is a summary of D-680R and A-2726
for Thirty Mile Irrigation District, Central Platte Natural Resources District
and Nebraska Public Power District prior to this Order:**

Appropriation Number	Priority Date	Source	Use	Acres	Grant ¹	Available for Assignment	
						Acres	Grant
D-680R (533)	10/22/1894	Platte River	IR ²	1,755.0	25.07	-	-
D-680R (534)	10/22/1894	Platte River	US ³	-	0.05	-	-
A-2726 (539)	3/31/1937	Sutherland Reservoir	UI ⁴	1,755.0	-	-	-

¹Grant = cubic feet per second

²IR = Irrigation from natural flow.

³US = Incidental Underground Storage

⁴UI = Supplemental irrigation (from a reservoir) on land also covered by a natural flow appropriation and Incidental Underground Storage

Attachment B
Thirty Mile Canal
Provisional Relinquishments PREL-9701 & PREL-9702

Legal Description	County	PREL-9701 D-680R (533)	PREL-9702 A-2726 (543)
		Acres Out	Acres Out
SW SW S17 T11N-R25W	Dawson	10.0	10.0
NW NW S20 T11N-R25W	Dawson	33.0	33.0
NE NW S20 T11N-R25W	Dawson	28.0	28.0
SW NW S20 T11N-R25W	Dawson	35.0	35.0
SE NW S20 T11N-R25W	Dawson	38.0	38.0
NW NE S20 T11N-R25W	Dawson	8.0	8.0
SW NE S20 T11N-R25W	Dawson	40.0	40.0
SE NE S20 T11N-R25W	Dawson	30.0	30.0
NE SW S20 T11N-R25W	Dawson	18.0	18.0
NW SE S20 T11N-R25W	Dawson	36.0	36.0
NE SE S20 T11N-R25W	Dawson	40.0	40.0
SW SE S20 T11N-R25W	Dawson	2.0	2.0
SE SE S20 T11N-R25W	Dawson	29.0	29.0
SW NW S21 T11N-R25W	Dawson	8.0	8.0
NW SW S21 T11N-R25W	Dawson	40.0	40.0
NE SW S21 T11N-R25W	Dawson	27.0	27.0
SW SW S21 T11N-R25W	Dawson	40.0	40.0
SE SW S21 T11N-R25W	Dawson	40.0	40.0
NW SE S21 T11N-R25W	Dawson	11.0	11.0
SW SE S21 T11N-R25W	Dawson	39.0	39.0
SE SE S21 T11N-R25W	Dawson	32.0	32.0
SW NW S26 T11N-R25W	Dawson	10.0	10.0
NW SW S26 T11N-R25W	Dawson	39.0	39.0
NE SW S26 T11N-R25W	Dawson	10.0	10.0
SW SW S26 T11N-R25W	Dawson	40.0	40.0
SE SW S26 T11N-R25W	Dawson	37.0	37.0
SW SE S26 T11N-R25W	Dawson	9.0	9.0
NW NW S27 T11N-R25W	Dawson	35.0	35.0
NE NW S27 T11N-R25W	Dawson	35.0	35.0
SW NW S27 T11N-R25W	Dawson	38.0	38.0
SE NW S27 T11N-R25W	Dawson	40.0	40.0
NW NE S27 T11N-R25W	Dawson	7.0	7.0
SW NE S27 T11N-R25W	Dawson	37.0	37.0
SE NE S27 T11N-R25W	Dawson	32.0	32.0
NW SW S27 T11N-R25W	Dawson	35.0	35.0
NE SW S27 T11N-R25W	Dawson	40.0	40.0
SW SW S27 T11N-R25W	Dawson	37.0	37.0
SE SW S27 T11N-R25W	Dawson	40.0	40.0
NW SE S27 T11N-R25W	Dawson	39.0	39.0
NE SE S27 T11N-R25W	Dawson	40.0	40.0
SW SE S27 T11N-R25W	Dawson	8.0	8.0
SE SE S27 T11N-R25W	Dawson	30.0	30.0
NW NW S28 T11N-R25W	Dawson	14.0	14.0
NE NW S28 T11N-R25W	Dawson	21.0	21.0
NW NE S28 T11N-R25W	Dawson	40.0	40.0

**Attachment B
Thirty Mile Canal
Provisional Relinquishments PREL-9701 & PREL-9702**

Legal Description	County	PREL-9701 D-680R (533)	PREL-9702 A-2726 (543)
		Acres Out	Acres Out
NE NE S28 T11N-R25W	Dawson	40.0	40.0
SW NE S28 T11N-R25W	Dawson	35.0	35.0
SE NE S28 T11N-R25W	Dawson	40.0	40.0
NW SE S28 T11N-R25W	Dawson	39.0	39.0
NE SE S28 T11N-R25W	Dawson	40.0	40.0
SW SE S28 T11N-R25W	Dawson	37.0	37.0
SE SE S28 T11N-R25W	Dawson	40.0	40.0
NW NW S35 T11N-R25W	Dawson	11.0	11.0
NE NW S35 T11N-R25W	Dawson	36.0	36.0
NW NE S35 T11N-R25W	Dawson	38.0	38.0
NE NE S35 T11N-R25W	Dawson	8.0	8.0
SW NE S35 T11N-R25W	Dawson	2.0	2.0
SE NE S35 T11N-R25W	Dawson	3.0	3.0
Totals		1,666.0	1,666.0

Attachment C
Thirty Mile Canal
Reassignment of Acres REA-9703 & REA-9704

Legal Description	County	REA-9703	REA-9704
		D-680R (533)	A-2726 (543)
		Acres In	Acres In
NW NE S31 T12N-R26W	Lincoln	16.8	16.8
NE NE S31 T12N-R26W	Lincoln	36.0	36.0
SW NE S31 T12N-R26W	Lincoln	11.6	11.6
SE NE S31 T12N-R26W	Lincoln	30.0	30.0
NW SE S31 T12N-R26W	Lincoln	1.2	1.2
NE SE S31 T12N-R26W	Lincoln	33.5	33.5
SE SE S31 T12N-R26W	Lincoln	5.9	5.9
NW SE S05 T11N-R26W	Lincoln	7.0	7.0
SE SE S05 T11N-R26W	Lincoln	7.0	7.0
NW NE S08 T11N-R26W	Lincoln	23.2	23.2
NW NW S15 T11N-R26W	Lincoln	37.9	37.9
NE NW S15 T11N-R26W	Lincoln	39.2	39.2
SW NW S15 T11N-R26W	Lincoln	38.4	38.4
SE NW S15 T11N-R26W	Lincoln	40.3	40.3
NW NE S15 T11N-R26W	Lincoln	39.5	39.5
NE NE S15 T11N-R26W	Lincoln	39.5	39.5
SW NE S15 T11N-R26W	Lincoln	37.3	37.3
SE NE S15 T11N-R26W	Lincoln	37.6	37.6
NW SW S15 T11N-R26W	Lincoln	28.7	28.7
NE SW S15 T11N-R26W	Lincoln	27.0	27.0
SW SW S15 T11N-R26W	Lincoln	3.3	3.3
NE SE S15 T11N-R26W	Lincoln	39.8	39.8
SE SE S15 T11N-R26W	Lincoln	38.8	38.8
NW NW S24 T11N-R26W	Lincoln	31.6	31.6
NE NW S24 T11N-R26W	Lincoln	38.9	38.9
SW NW S24 T11N-R26W	Lincoln	32.7	32.7
SE NW S24 T11N-R26W	Lincoln	39.8	39.8
NW NE S24 T11N-R26W	Lincoln	25.2	25.2
SW SE S24 T11N-R26W	Lincoln	28.6	28.6
NW NW S30 T11N-R25W	Dawson	3.0	3.0
NE NW S30 T11N-R25W	Dawson	15.1	15.1
NW NE S31 T11N-R25W	Dawson	0.6	0.6
SW NE S31 T11N-R25W	Dawson	22.7	22.7
NW NW S32 T11N-R25W	Dawson	5.6	5.6
NE NW S32 T11N-R25W	Dawson	5.7	5.7
SW NW S32 T11N-R25W	Dawson	6.3	6.3
SW SE S32 T11N-R25W	Dawson	19.9	19.9
SE SE S32 T11N-R25W	Dawson	2.3	2.3
SE SW S33 T11N-R25W	Dawson	9.8	9.8
NW SE S02 T10N-R25W	Dawson	20.4	20.4
NE SE S02 T10N-R25W	Dawson	24.1	24.1
NW NW S04 T10N-R25W	Dawson	38.5	38.5

Attachment C
Thirty Mile Canal
Reassignment of Acres REA-9703 & REA-9704

Legal Description	County	REA-9703	REA-9704
		D-680R (533)	A-2726 (543)
		Acres In	Acres In
NE NW S04 T10N-R25W	Dawson	39.5	39.5
SW NW S04 T10N-R25W	Dawson	36.4	36.4
SE NW S04 T10N-R25W	Dawson	38.7	38.7
NW SW S04 T10N-R25W	Dawson	16.5	16.5
SE SW S04 T10N-R25W	Dawson	14.6	14.6
NW SW S10 T10N-R25W	Dawson	8.6	8.6
NE SW S10 T10N-R25W	Dawson	29.1	29.1
SE SW S10 T10N-R25W	Dawson	0.4	0.4
NW SE S10 T10N-R25W	Dawson	37.5	37.5
NE SE S10 T10N-R25W	Dawson	40.1	40.1
SW SE S10 T10N-R25W	Dawson	18.9	18.9
SE SE S10 T10N-R25W	Dawson	36.6	36.6
NW SW S11 T10N-R25W	Dawson	19.0	19.0
NE SW S11 T10N-R25W	Dawson	20.1	20.1
SW SW S11 T10N-R25W	Dawson	17.1	17.1
SE SW S11 T10N-R25W	Dawson	18.8	18.8
NE NE S15 T10N-R25W	Dawson	13.9	13.9
NE NW S07 T10N-R24W	Dawson	17.3	17.3
SE NW S07 T10N-R24W	Dawson	17.7	17.7
NW NW S20 T10N-R24W	Dawson	37.2	37.2
SW NW S20 T10N-R24W	Dawson	38.3	38.3
NE NW S01 T09N-R24W	Dawson	25.8	25.8
SE NW S01 T09N-R24W	Dawson	39.5	39.5
NE SW S01 T09N-R24W	Dawson	24.3	24.3
SE SW S01 T09N-R24W	Dawson	7.3	7.3
NW SE S01 T09N-R24W	Dawson	20.2	20.2
SW SE S01 T09N-R24W	Dawson	4.2	4.2
NW NE S02 T09N-R24W	Dawson	18.6	18.6
NE NE S02 T09N-R24W	Dawson	19.5	19.5
Totals		1,666.0	1,666.0

Attachment D
Thirty Mile Canal
Lands Entitled to Surface Water via Thirty Mile Canal by
Appropriations D-680R and Supplemental A-2726
by Virtue of the Attached Order

Legal Description	County	Natural Flow	Storage Use	Total
		D-680R (533)	A-2726 (539)	
T12N-R26W				
NW NE S31 T12N-R26W	Lincoln	16.8	16.8	16.8
NE NE S31 T12N-R26W	Lincoln	36.0	36.0	36.0
SW NE S31 T12N-R26W	Lincoln	11.6	11.6	11.6
SE NE S31 T12N-R26W	Lincoln	30.0	30.0	30.0
NW SE S31 T12N-R26W	Lincoln	1.2	1.2	1.2
NE SE S31 T12N-R26W	Lincoln	33.5	33.5	33.5
SE SE S31 T12N-R26W	Lincoln	5.9	5.9	5.9
T11N-R26W				
NW SE S05 T11N-R26W	Lincoln	7.0	7.0	7.0
SE SE S05 T11N-R26W	Lincoln	7.0	7.0	7.0
NW NE S08 T11N-R26W	Lincoln	23.2	23.2	23.2
NW NW S15 T11N-R26W	Lincoln	37.9	37.9	37.9
NE NW S15 T11N-R26W	Lincoln	39.2	39.2	39.2
SW NW S15 T11N-R26W	Lincoln	38.4	38.4	38.4
SE NW S15 T11N-R26W	Lincoln	40.3	40.3	40.3
NW NE S15 T11N-R26W	Lincoln	39.5	39.5	39.5
NE NE S15 T11N-R26W	Lincoln	39.5	39.5	39.5
SW NE S15 T11N-R26W	Lincoln	37.3	37.3	37.3
SE NE S15 T11N-R26W	Lincoln	37.6	37.6	37.6
NW SW S15 T11N-R26W	Lincoln	28.7	28.7	28.7
NE SW S15 T11N-R26W	Lincoln	27.0	27.0	27.0
SW SW S15 T11N-R26W	Lincoln	3.3	3.3	3.3
NE SE S15 T11N-R26W	Lincoln	39.8	39.8	39.8
SE SE S15 T11N-R26W	Lincoln	38.8	38.8	38.8
NW NW S24 T11N-R26W	Lincoln	31.6	31.6	31.6
NE NW S24 T11N-R26W	Lincoln	38.9	38.9	38.9
SW NW S24 T11N-R26W	Lincoln	32.7	32.7	32.7
SE NW S24 T11N-R26W	Lincoln	39.8	39.8	39.8
NW NE S24 T11N-R26W	Lincoln	25.2	25.2	25.2
SW SE S24 T11N-R26W	Lincoln	28.6	28.6	28.6
T11N-R25W				
SW SE S27 T11N-R25W	Dawson	25.0	25.0	25.0
SE SE S27 T11N-R25W	Dawson	5.3	5.3	5.3
NW NW S30 T11N-R25W	Dawson	3.0	3.0	3.0
NE NW S30 T11N-R25W	Dawson	15.1	15.1	15.1
NW NE S31 T11N-R25W	Dawson	0.6	0.6	0.6
SW NE S31 T11N-R25W	Dawson	22.7	22.7	22.7
NW NW S32 T11N-R25W	Dawson	5.6	5.6	5.6
NE NE S32 T11N-R25W	Dawson	5.7	5.7	5.7
SW NE S32 T11N-R25W	Dawson	6.3	6.3	6.3
SW SE S32 T11N-R25W	Dawson	19.9	19.9	19.9
SE SE S32 T11N-R25W	Dawson	2.3	2.3	2.3
SE SW S33 T11N-R25W	Dawson	9.8	9.8	9.8
NW NE S34 T11N-R25W	Dawson	37.7	37.7	37.7
NE NE S34 T11N-R25W	Dawson	21.0	21.0	21.0

Attachment D
Thirty Mile Canal
Lands Entitled to Surface Water via Thirty Mile Canal by
Appropriations D-680R and Supplemental A-2726
by Virtue of the Attached Order

Legal Description	County	Natural Flow	Storage Use	Total
		D-680R (533)	A-2726 (539)	
T10N-R25W				
NW SE S02 T10N-R25W	Dawson	20.4	20.4	20.4
NE SE S02 T10N-R25W	Dawson	24.1	24.1	24.1
NW NW S04 T10N-R25W	Dawson	38.5	38.5	38.5
NE NW S04 T10N-R25W	Dawson	39.5	39.5	39.5
SW NW S04 T10N-R25W	Dawson	36.4	36.4	36.4
SE NW S04 T10N-R25W	Dawson	38.7	38.7	38.7
NW SW S04 T10N-R25W	Dawson	16.5	16.5	16.5
SE SW S04 T10N-R25W	Dawson	14.6	14.6	14.6
NW SW S10 T10N-R25W	Dawson	8.6	8.6	8.6
NE SW S10 T10N-R25W	Dawson	29.1	29.1	29.1
SE SW S10 T10N-R25W	Dawson	0.4	0.4	0.4
NW SE S10 T10N-R25W	Dawson	37.5	37.5	37.5
NE SE S10 T10N-R25W	Dawson	40.1	40.1	40.1
SW SE S10 T10N-R25W	Dawson	18.9	18.9	18.9
SE SE S10 T10N-R25W	Dawson	36.6	36.6	36.6
NW SW S11 T10N-R25W	Dawson	19.0	19.0	19.0
NE SW S11 T10N-R25W	Dawson	20.1	20.1	20.1
SW SW S11 T10N-R25W	Dawson	17.1	17.1	17.1
SE SW S11 T10N-R25W	Dawson	18.8	18.8	18.8
NE NE S15 T10N-R25W	Dawson	13.9	13.9	13.9
T10N-R24W				
NE NW S07 T10N-R24W	Dawson	17.3	17.3	17.3
SE NW S07 T10N-R24W	Dawson	17.7	17.7	17.7
NW NW S20 T10N-R24W	Dawson	37.2	37.2	37.2
SW NW S20 T10N-R24W	Dawson	38.3	38.3	38.3
T09N-R24W				
NE NW S01 T09N-R24W	Dawson	25.8	25.8	25.8
SE NW S01 T09N-R24W	Dawson	39.5	39.5	39.5
NE SW S01 T09N-R24W	Dawson	24.3	24.3	24.3
SE SW S01 T09N-R24W	Dawson	7.3	7.3	7.3
NW SE S01 T09N-R24W	Dawson	20.2	20.2	20.2
SW SE S01 T09N-R24W	Dawson	4.2	4.2	4.2
NW NE S02 T09N-R24W	Dawson	18.6	18.6	18.6
NE NE S02 T09N-R24W	Dawson	19.5	19.5	19.5
Total		1,755.0	1,755.0	1,755.0

ATTACHMENT E
Thirty Mile Canal Appropriations D-680R and A-2726
for Thirty Mile Irrigation District, Central Platte Natural Resources District
and Nebraska Public Power District

The following is a summary of the acres and grants as a result of 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 Cancelled in this Order		Amount Assigned in this Order		Available for Assignment After this Order		Appurtenant Portion Effective this Order	
		Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant
D-680R (533)	IR	1,755.0	25.07	-	-	1,666.0	25.07	1,666.0	25.07	-	-	1,755.0	25.07
D-680R (534)	US	-	0.05	-	-	-	0.05	-	0.05	-	-	-	0.05
A-2726 (539)	UI	1,755.0	-	-	-	1,666.0	-	1,666.0	-	-	-	1,755.0	-