

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-10126

AND NOTIFICATION FOR REASSIGNMENT REA-10127

FOR WATER APPROPRIATION A-19477

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19477 is held by Loup Basin Reclamation District (District).
2. Appropriation A-19477 has a priority date of October 26, 2016, and authorizes the use of water for irrigation of 273.6 acres of land. The water may be diverted from Sherman Reservoir (storage appropriation A-4923B) via the headgate of the Farwell Irrigation District Main Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 01, Township 15 North, Range 14 West of the 6th P.M. in Sherman County. Water diverted shall not exceed 273.6 acre-feet.
3. On March 1, 2024, the District and individual owners filed provisional relinquishment PREL-10126 relinquishing the right to irrigate 2.8 acres of land under appropriation A-19477.
4. On March 1, 2024, the District filed in the Department Notification for Reassignment REA-10127 to assign the 2.8 acres of land previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-19477 in the amount of 2.8 acre-feet of water from Sherman Reservoir for use upon 2.8 acres of land is CANCELLED.
2. The Department acknowledges REA-10127 to reassign the 2.8 acres of water under appropriation A-19477 previously relinquished for use upon the land described below.

Township 13 North, Range 12 West of the
6th P.M. in Howard County Acres

Section 11: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.8

3. Appropriation A-19477 now permits the appropriator to divert 273.6 acre-feet of water from Sherman Reservoir (storage appropriation A-4923B) to irrigate the 273.6 acres of land described below.

<u>Township 15 North, Range 12 West of the 6th P.M. in Howard County</u>			<u>Township 14 North, Range 12 West of the 6th P.M. in Howard County</u>		
		Acres			Acres
Section 07:	NW ¹ / ₄ SE ¹ / ₄	20.4	Section 17:	NE ¹ / ₄ NW ¹ / ₄	2.8
	SW ¹ / ₄ SE ¹ / ₄	3.8		SW ¹ / ₄ NW ¹ / ₄	3.4
	SE ¹ / ₄ SE ¹ / ₄	3.1		SE ¹ / ₄ NW ¹ / ₄	1.6
Section 23:	SE ¹ / ₄ SW ¹ / ₄	15.5	Section 22:	NW ¹ / ₄ NE ¹ / ₄	4.4
Section 36:	NW ¹ / ₄ SW ¹ / ₄	3.8		SW ¹ / ₄ NE ¹ / ₄	31.2
	SW ¹ / ₄ SW ¹ / ₄	0.4	Section 36:	NE ¹ / ₄ NW ¹ / ₄	3.6
				SE ¹ / ₄ NW ¹ / ₄	6.1
<u>Township 15 North, Range 11 West of the 6th P.M. in Howard County</u>			<u>Township 14 North, Range 11 West of the 6th P.M. in Howard County</u>		
		Acres			Acres
Section 30:	NW ¹ / ₄ NW ¹ / ₄	2.0	Section 08:	NE ¹ / ₄ NW ¹ / ₄	2.7
	NE ¹ / ₄ NW ¹ / ₄	3.7	Section 22:	NW ¹ / ₄ SW ¹ / ₄	16.8
	SW ¹ / ₄ NW ¹ / ₄	14.4		NE ¹ / ₄ SW ¹ / ₄	12.7
	SE ¹ / ₄ NW ¹ / ₄	7.6			
	NW ¹ / ₄ SE ¹ / ₄	7.5		NW ¹ / ₄ SE ¹ / ₄	8.0
Section 32:	NE ¹ / ₄ NW ¹ / ₄	13.2	Township 13 North, Range 12 West of the 6 th P.M. in Howard County		Acres
	SW ¹ / ₄ NW ¹ / ₄	0.3	Section 02:	NE ¹ / ₄ SE ¹ / ₄	6.3
	SE ¹ / ₄ NW ¹ / ₄	12.7	Section 11:	NW ¹ / ₄ SE ¹ / ₄	3.0
				NE ¹ / ₄ SE ¹ / ₄	1.3
Township 14 North, Range 13 West of the 6 th P.M. in Sherman County		Acres		SW ¹ / ₄ SE ¹ / ₄	5.9
Section 09:	NE ¹ / ₄ SE ¹ / ₄	9.3		SE ¹ / ₄ SE ¹ / ₄	5.6
Section 11:	NE ¹ / ₄ SW ¹ / ₄	12.0		TOTAL	273.6
Section 15:	NE ¹ / ₄ NW ¹ / ₄	6.4			
	SE ¹ / ₄ NW ¹ / ₄	2.9			
Section 36:	NW ¹ / ₄ NE ¹ / ₄	18.6			
	SW ¹ / ₄ NE ¹ / ₄	0.6			

4. All terms and conditions of previous orders for appropriation A-19477 remain in effect unless specifically changed by this Order.
5. The appropriator shall file a map of all lands to be irrigated within six months of the signing date of this Order.
6. 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.

7. 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

March 18, 2024

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

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

Farwell Irrigation District
P.O. Box 137
Farwell, NE 69336-1028