

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION D-117

AND APPROVAL OF MAP NUMBER 20481

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-117 is held by Allen D. and Debra Bush.
2. Appropriation D-117 has a priority date of October 16, 1890, and authorizes the use of water for irrigation of the 261 acres of land described below. The water may be diverted from Buffalo Creek through the Allen and Larned Ditch at a point of diversion located in the NE¹/₄SE¹/₄ of Section 18, Township 01 North, Range 40 West of the 6th P.M. in Dundy County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 3.73 cfs.

<u>Township 01 North, Range 40 West of the 6th P.M. in Dundy County</u>	<u>Acres</u>	<u>Township 01 North, Range 40 West of the 6th P.M. in Dundy County</u>	<u>Acres</u>
Section 17: NW ¹ / ₄ SW ¹ / ₄	1.0	Section 21: NW ¹ / ₄ SW ¹ / ₄	11.0
SW ¹ / ₄ SW ¹ / ₄	27.0	NE ¹ / ₄ SW ¹ / ₄	16.0
Section 20: NW ¹ / ₄ NW ¹ / ₄	35.0	SW ¹ / ₄ SW ¹ / ₄	40.0
SW ¹ / ₄ NW ¹ / ₄	7.0	SE ¹ / ₄ SW ¹ / ₄	27.0
NE ¹ / ₄ SW ¹ / ₄	13.0	Section 28: NW ¹ / ₄ NW ¹ / ₄	22.0
SE ¹ / ₄ SW ¹ / ₄	4.0	Section 29: NE ¹ / ₄ NE ¹ / ₄	<u>4.0</u>
NW ¹ / ₄ SE ¹ / ₄	11.0	TOTAL	261.0
SW ¹ / ₄ SE ¹ / ₄	20.0		
SE ¹ / ₄ SE ¹ / ₄	23.0		

3. On December 11, 2019, Allan Bush and Debra Bush filed relinquishment REL-7767, relinquishing the right to divert water under a portion of appropriation D-117 to irrigate the 26.6 acres of land described below.

<u>Township 01 North, Range 40 West of the 6th P.M. in Dundy County</u>	<u>Acres</u>
Section 21: NW ¹ / ₄ SW ¹ / ₄	5.9
NE ¹ / ₄ SW ¹ / ₄	10.9
SW ¹ / ₄ SW ¹ / ₄	7.3
SE ¹ / ₄ SW ¹ / ₄	<u>2.5</u>
TOTAL	26.6

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation D-117 at the rate of 0.38 cfs for use upon the 26.6 acres of land described above is CANCELLED.
2. Appropriation D-117 now authorizes the appropriator to divert water from Buffalo Creek through the Allen and Larned Ditch to irrigate the 234.4 acres of land described below and depicted on map number 20481 which is made a part of this Order. The point of diversion remains in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 01 North, Range 40 West of the 6th P.M. in Dundy County, as depicted on map number 20481. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 3.35 cfs (1503 gallons per minute).

<u>Township 01 North, Range 40 West of the 6th P.M. in Dundy County</u>	<u>Acres</u>	<u>Township 01 North, Range 40 West of the 6th P.M. in Dundy County</u>	<u>Acres</u>
Section 17: NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.0	Section 21: NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.1
SW $\frac{1}{4}$ SW $\frac{1}{4}$	27.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.1
Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.7
SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.5
NE $\frac{1}{4}$ SW $\frac{1}{4}$	13.0	Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$	22.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0	Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>4.0</u>
NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.0	TOTAL	234.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	23.0		

3. All terms and conditions of appropriation D-117 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

January 14, 2020


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20481 were provided to the Department's field office in Cambridge, Nebraska. Copies of this Order and map number 20481 were mailed on January 14, 2020, to the following:

Allan Bush and Debra Bush
32117 Road 704A
Haigler, Nebraska 69030