

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENTS (CANCELLATION) PREL-9173 AND PREL-9174  
AND NOTIFICATION OF REASSIGNMENT REA-9175  
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).
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 6<sup>th</sup> 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 Clay Creek via the McFarland Canal headgate located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 35, Township 32 North, Range 52 West of the 6<sup>th</sup> P.M. in Dawes County
4. On November 2, 2020, the District and individual landowners filed in the Department Provisional Relinquishment PREL-9173 and PREL-9174 to provisionally relinquish the right to irrigate portions of land under appropriations D-477 and D-477R respectively.
5. On November 2, 2020, the District filed Notification of Reassignment REA-9175 to reassign the portions of appropriation D-477 and D-477R previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under D-477 from the White River through the White River Canal and D-477R from White Clay Creek through the McFarland Canal provisionally relinquished in PREL-9173 and PREL-9174 is CANCELLED.
2. 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.

3. The Department acknowledges REA-9175 to reassign a portion of water under D-477 and D-477R for use upon the land described in **Attachment A** as shown on map number 20601.
4. **Attachment A** is hereby made a part of this Order.
5. The right to divert natural flow from the White River through the White River Canal and from White Clay Creek through the McFarland Canal to irrigate 369 acres of land under D-477 and D-447R shall remain IN FULL FORCE AND EFFECT.
6. All terms and conditions of appropriation appropriations D-477 and D-477R remain in effect unless specifically changed by this Order.
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

November 19, 2020

  
Thomas E. Riley P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20601 were provided to the Department's field office in Bridgeport, Nebraska and mailed on November \_\_\_\_, 2020 to the following:

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

**ATTACHMENT A**  
**White River Irrigation District**  
**White River Canal (D-477) & White Clay Creek - McFarland Canal (D-477R)**  
**Provisional Relinquishment and Reassignment of Acres**  
**PREL-9173, PREL-9174 and REA-9175**

Legal Description	County	PREL-9173	PREL-9174	REA-9175
		D-477	D-477R	D-477 D-477R
<b>T32N-R52W</b>				
NE NW S25 T32N-R52W	Dawes	12.0	12.0	10.1
SW NW S25 T32N-R52W	Dawes	9.0	9.0	10.2
SE NW S25 T32N-R52W	Dawes	5.0	5.0	30.4
SW NE S25 T32N-R52W	Dawes	28.0	28.0	0.0
NW SW S25 T32N-R52W	Dawes	0.0	0.0	1.4
NE SW S25 T32N-R52W	Dawes	0.0	0.0	1.9
<b>Total</b>		<b>54.0</b>	<b>54.0</b>	<b>54.0</b>