

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-17550R

AND APPROVAL OF MAP NUMBER 20862

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17550R is held by the Foley Family Limited Partnership.
2. Appropriation A-17550R has a priority date of December 11, 1996 and authorizes the use of water for irrigation of the 70.0 acres of land described below. The water may be diverted from the Missouri River at points of diversion located on the north bank of the stream in the SW¹/₄SE¹/₄ and NE¹/₄SE¹/₄ of Section 05, Township 33 North, Range 01 East of the 6th P.M. in Cedar County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 1.0 cfs from all points of diversion.

Township 33 North, Range 01 East of the		
6 th P.M. in Cedar County		Acres
Section 05:	NW ¹ / ₄ NW ¹ / ₄	1.5
	SW ¹ / ₄ NW ¹ / ₄	2.7
	SW ¹ / ₄ SW ¹ / ₄	2.6
	SE ¹ / ₄ SW ¹ / ₄	13.7
	NW ¹ / ₄ SE ¹ / ₄	1.1
	SW ¹ / ₄ SE ¹ / ₄	10.7
Section 06:	SW ¹ / ₄ NW ¹ / ₄	19.7
	SE ¹ / ₄ NW ¹ / ₄	1.8
	NE ¹ / ₄ NE ¹ / ₄	4.9
	SE ¹ / ₄ NE ¹ / ₄	10.3
	NW ¹ / ₄ SW ¹ / ₄	<u>1.0</u>
TOTAL		70.0

3. On June 30, 2021, Don Foley, on behalf of the Foley Family Limited Partnership, filed relinquishment REL-9343, relinquishing the right to divert water under a portion of appropriation A-17550R to irrigate the 28.1 acres of land described below.

Township 33 North, Range 01 East of the 6 th P.M. in Cedar County	Acres
Section 05: SW ¹ / ₄ SW ¹ / ₄	2.6
SE ¹ / ₄ SW ¹ / ₄	13.7
NW ¹ / ₄ SE ¹ / ₄	1.1
SW ¹ / ₄ SE ¹ / ₄	<u>10.7</u>
TOTAL	28.1

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-17550R at the rate of 0.40 cfs for use upon the 28.1 acres of land described above is CANCELLED.
2. Appropriation A-17550R now authorizes the appropriator to divert water from the Missouri River to irrigate the 41.9 acres of land described below and depicted on map number 20862 which is made a part of this Order. The points of diversion remain in the SW¹/₄SE¹/₄ and the NE¹/₄SE¹/₄ of Section 05, Township 33 North, Range 01 East of the 6th P.M. in Cedar County, as depicted on map number 20862. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 0.60 cfs (269 gallons per minute) from all points of diversion.

Township 33 North, Range 01 East of the 6 th P.M. in Cedar County	Acres
Section 05: NW ¹ / ₄ NW ¹ / ₄	1.5
SW ¹ / ₄ NW ¹ / ₄	2.7
Section 06: SW ¹ / ₄ NW ¹ / ₄	19.7
SE ¹ / ₄ NW ¹ / ₄	1.8
NE ¹ / ₄ NE ¹ / ₄	4.9
SE ¹ / ₄ NE ¹ / ₄	10.3
NW ¹ / ₄ SW ¹ / ₄	<u>1.0</u>
TOTAL	41.9

3. All terms and conditions of previous orders for A-17550 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.

- C. 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).
- D. 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



December 21, 2021

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 20862 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 20862 were mailed on December 21, 2021, to the following:

Dan Foley
Foley Family Limited Partnership
P.O. Box 863
Yankton, South Dakota 57078