

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9616 and PREL-9618

AND NOTIFICATION FOR REASSIGNMENT REA-9617 and REA-9619

OF WATER APPROPRIATIONS D-849 AND A-1551

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations D-849 and A-1551 are held by the Greenwood Creek Mutual Irrigation Company (Company). The aforementioned appropriations allow the appropriator to divert water from Greenwood Creek through the Trinnier Canal at its headgate located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, Township 18 North, Range 50 West in Morrill County, for irrigation use as summarized on **Attachment A**.
2. On April 25, 2022, Nick Lapaseotes, on behalf of the Company and individual landowners filed in the Department Provisional Relinquishment PREL-9616 relinquishing the right to irrigate portions of land under appropriation D-849 and Notification for Reassignment REA-9617 to reassign portions of D-849 previously relinquished.
3. On April 25, 2022, Nick Lapaseotes, and individual landowners filed in the Department Provisional Relinquishment PREL-9618 relinquishing the right to irrigate portions of land under appropriation A-1551 and Notification for Reassignment REA-9619 to reassign portions of A-1551 previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under appropriations D-849 and A-1551 from Greenwood Creek through the Trinnier Canal for use upon the land described in **Attachment B** is CANCELLED.
2. The Department acknowledges REA-9617 and REA-9619 to reassign portions of water under appropriations D-849 and A-1551 for use upon the land described on **Attachment B** as shown on map number 21015.
3. The land depicted on map number 21015 only represents the change of location of acres under appropriations D-849 and A-1551 through PREL-9616, PREL-9618, REA-9617 and REA-9619.
4. A list of land entitled to irrigation from Greenwood Creek through the Trinnier Canal is described on **Attachment C**.

5. All terms and conditions of appropriations D-849 and A-1551 remain in effect unless specifically changed by this Order.
6. Pursuant to *Neb. Rev. Stat. § 46-229.04(5)* the Company may assign, within 5 years of the Order of Cancellation by the Department, the relinquished portion of an appropriation.
7. A summary of the appropriations' acres and grants as a result of the Company's filings in the Department before and after this Order, and the portions of the Company's appropriations that are available for future assignment or transfer are summarized on **Attachment D**.
8. **Attachments B, C, and D**, are hereby made a part of this Order.
9. 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



August 29, 2022

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Thomas E. Riley, P.E., Director

Copies of this Order and Attachments were posted on the Department's website. Copies of this Order, Attachments A, B, C, and D and map number 21015 were provided to the Department's field office in Bridgeport, Nebraska, and mailed to the following:

Nick Lapaseotes  
P.O. Box 863  
Bridgeport, Nebraska 69336

**ATTACHMENT A**  
**Greenwood Creek Mutual Irrigation Company**

**The following is a Summary of Greenwood Creek Mutual Irrigation Company's  
Surface Water Appropriations Affected by this Order:**

Appropriation Number	Priority Date	Source	Use	Acres	Grant <sup>1</sup>	Available for Assignment	
						Acres	Grant
D-845 (244)	4/1/1892	Greenwood Creek	IR <sup>2</sup>	244.0	3.00	0.0	0.00
D-849 (246)	4/6/1891	Greenwood Creek	IR	279.1	3.99	0.0	0.00
A-1551 (247)	8/18/1919	Greenwood Creek	IR	105.0	1.50	0.0	0.00

<sup>1</sup>Grant = cubic feet per second

<sup>2</sup>IR = Irrigation from natural flow.

**ATTACHMENT B**  
**Greenwood Creek Mutual Irrigation Company**  
**Provisional Relinquishments filed on: April 25, 2022**  
**PREL-9616 & REA-9617 for D-849 (246) and**  
**PREL-9618 & REA-9619 for A-1551 (247)**

<b>Legal Description</b>	<b>County</b>	<b>PREL-9616 D-849 (246)</b>	<b>REA-9617 D-849 (246)</b>	<b>PREL-9618 A-1551 (247)</b>	<b>REA-9619 A-1551 (247)</b>
NE SW S15 T18N-R50W	Morrill	3.5	0.3	0.0	0.0
SW SW S15 T18N-R50W	Morrill	0.0	0.0	0.0	3.6
SE SW S15 T18N-R50W	Morrill	1.8	2.1	0.0	1.5
NW SE S15 T18N-R50W	Morrill	4.7	0.0	0.0	0.0
NE SE S15 T18N-R50W	Morrill	17.6	0.0	0.0	0.0
SW SE S15 T18N-R50W	Morrill	1.3	0.0	0.0	0.0
SE SE S15 T18N-R50W	Morrill	0.0	9.8	0.0	0.0
NW NW S22 T18N-R50W	Morrill	0.0	0.0	0.5	23.4
NE NW S22 T18N-R50W	Morrill	0.0	4.3	0.0	4.2
SW NW S22 T18N-R50W	Morrill	0.0	0.0	4.0	0.0
SE NW S22 T18N-R50W	Morrill	3.7	0.0	5.3	0.0
NW NE S22 T18N-R50W	Morrill	2.6	0.3	0.0	0.0
NE NE S22 T18N-R50W	Morrill	0.0	19.7	0.0	0.0
SW NE S22 T18N-R50W	Morrill	0.0	0.3	0.0	0.0
NW SW S22 T18N-R50W	Morrill	0.0	0.0	0.0	2.5
NE SW S22 T18N-R50W	Morrill	1.6	0.0	26.6	0.9
SW SW S22 T18N-R50W	Morrill	0.0	0.0	0.0	0.3
<b>Totals</b>		<b>36.8</b>	<b>36.8</b>	<b>36.4</b>	<b>36.4</b>

**ATTACHMENT C**  
**Greenwood Creek Mutual Irrigation Company**  
**Lands Entitled to Surface Water by Virtue of Applications**  
**PREL-9616, REA-9617, PREL-9618 & REA-9619**

<b>Legal Description</b>	<b>County</b>	<b>D-845 (244)</b>	<b>D-849 (246)</b>	<b>A-1551 (247)</b>
NE SW S15 T18N-R50W	Morrill	0.0	1.8	0.0
SW SW S15 T18N-R50W	Morrill	0.0	0.0	3.6
SE SW S15 T18N-R50W	Morrill	0.0	13.3	1.5
NW SE S15 T18N-R50W	Morrill	0.0	31.3	0.0
NE SE S15 T18N-R50W	Morrill	0.0	17.4	0.0
SW SE S15 T18N-R50W	Morrill	0.0	37.9	0.0
SE SE S15 T18N-R50W	Morrill	0.0	38.3	0.0
NW NW S22 T18N-R50W	Morrill	0.0	0.0	34.9
NE NW S22 T18N-R50W	Morrill	0.0	35.7	4.2
SW NW S22 T18N-R50W	Morrill	0.0	0.0	36.0
SE NW S22 T18N-R50W	Morrill	0.0	10.3	15.7
NW NE S22 T18N-R50W	Morrill	0.0	31.7	0.0
NE NE S22 T18N-R50W	Morrill	0.0	24.7	0.0
SW NE S22 T18N-R50W	Morrill	0.0	0.3	0.0
NW SW S22 T18N-R50W	Morrill	0.0	32.0	2.5
NE SW S22 T18N-R50W	Morrill	0.0	4.4	6.3
SW SW S22 T18N-R50W	Morrill	0.0	0.0	0.3
NW NW S27 T18N-R50W	Morrill	11.0	0.0	0.0
SW NW S27 T18N-R50W	Morrill	33.0	0.0	0.0
SE NW S27 T18N-R50W	Morrill	1.0	0.0	0.0
NW SW S27 T18N-R50W	Morrill	24.0	0.0	0.0
NE SW S27 T18N-R50W	Morrill	13.0	0.0	0.0
SW SW S27 T18N-R50W	Morrill	38.0	0.0	0.0
SE SW S27 T18N-R50W	Morrill	14.0	0.0	0.0
SE SE S28 T18N-R50W	Morrill	6.0	0.0	0.0
NE NE S33 T18N-R50W	Morrill	25.0	0.0	0.0
SE NE S33 T18N-R50W	Morrill	17.0	0.0	0.0
NE SE S33 T18N-R50W	Morrill	3.0	0.0	0.0
NW NW S34 T18N-R50W	Morrill	35.0	0.0	0.0
NE NW S34 T18N-R50W	Morrill	6.0	0.0	0.0
SW NW S34 T18N-R50W	Morrill	16.0	0.0	0.0
NW SW S34 T18N-R50W	Morrill	2.0	0.0	0.0
<b>Totals</b>		<b>244.0</b>	<b>279.1</b>	<b>105.0</b>

**ATTACHMENT D**

**Greenwood Creek Mutual Irrigation Company**

**The following is a summary of the appropriations' acres and grants as a result of the District's filings  
in the Department of Natural Resources before and after the attached Order:**

Appropriation Number	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Relinquished in this Order		Amount Assigned in this Order		Total Available for Assignment after this Order		Appurtenant Portion Effective This Order	
	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant
D-845	244.0	3.00	0.0	0.00	0.0	0.00	0.0	0.00	0.0	0.00	244.0	3.00
A-849	279.1	3.99	0.0	0.00	36.8	0.00	36.8	0.53	0.0	0.00	279.1	3.99
A-1551	105.0	1.5	0.0	0.00	36.4	0.00	36.4	0.52	0.0	0.00	105.0	1.5