

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND APPROVAL OF APPLICATION EXT-1892,
 PETITION RLP-1893, AND MAP NUMBER 17617 FOR WATER APPROPRIATION A-17419

WATER DIVISION 2-F

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17419 is held by Foley Family Limited Partnership.
2. Appropriation A-17419 authorizes the use of water for irrigation of the 146.4 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 33 North, Range 1 West of the 6th P.M.; the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, both in Township 33 North, Range 1 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 168 acres irrigated at a maximum combined rate of 0.87 cfs from all points of diversion.

<u>Township 33 North, Range 1 West of the 6th P.M., Cedar County</u>	<u>Acres</u>	<u>Township 33 North, Range 1 East of the 6th P.M., Cedar County</u>	<u>Acres</u>
Section 1: SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4	Section 5: NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.8
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9.2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	24.8
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.8
<u>Township 33 North, Range 1 East of the 6th P.M., Cedar County</u>	<u>Acres</u>	SW $\frac{1}{4}$ SE $\frac{1}{4}$	24.7
Section 4: SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.2	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.2
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.4	Section 6: NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.1
NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.7	NE $\frac{1}{4}$ NE $\frac{1}{4}$	5.6
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.5</u>
		TOTAL	146.4

3. On March 3, 2010, Robert Foley or Don Foley, on behalf of Foley Family Limited Partnership, filed in the Department the following:

a. REL-1891 for a partial relinquishment of water under appropriation A-17419, relinquishing the right to divert a portion of the water under A-17419, for use on the land described below.

<u>Township 33 North, Range 1 East of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 5:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.7
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.5</u>
	TOTAL	18.3

b. Application EXT-1892 for a permit for an expedited transfer of the location of use for 128.1 acres of the 146.4 acres under surface water appropriation A-17419

c. An addendum to application EXT-1892 requesting the 128.1 acres of land subject to transfer be "folded" to irrigate 53.4 acres and the rate that water may be diverted after the transfer shall not exceed one cfs for every 70 acres irrigated.

d. Petition RLP-1893 for a permit to change the location of diversion for appropriation A-17419.

e. Map number 17617 showing the location of diversion and the land proposed to be irrigated under appropriation A-17419 through EXT-1892.

Order

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-17419 at the rate of 0.11 cfs is CANCELLED for use on the land described below.

<u>Township 33 North, Range 1 East of the</u>		
<u>6th P.M. in Cedar County</u>		<u>Acres</u>
Section 5:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.7
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.1
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.5</u>
	TOTAL	18.3

2. Application EXT-1892 for a permit for an expedited transfer of the location of use and petition RLP-1893 for a permit to change the location of diversion are APPROVED.

3. Appropriation A-17419 through petition RLP-1893 is now A-17419R.

4. Appropriation A-17419R, through transfer EXT-1892, now permits Foley Family Limited Partnership to divert water from the Missouri River to irrigate the 53.4 acres of land described below and depicted on map number 17617 which is made a part of this Order. The points of diversion are located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 33 North, Range 1 East of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum combined rate of 0.76 cfs (341 gallons per minute) from all points of diversion.

Township 33 North, Range 1 East of the 6 th P.M. in Cedar County		Acres
Section 4:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7.1
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.8
Section 5:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.7
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.5
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.3
	TOTAL	53.4

5. All terms and conditions of appropriation A-17419 remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

April 27, 2010


 Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 17617 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 17617 were mailed on April 27, 2010, to the following:

Don Foley
 Foley Family Limited Partnership
 PO Box 7
 Tyndall, South Dakota 57066