

3. On May 11, 2012, Ivan Dobrinski, President of Beerline Canal Company filed in the Department a Notification of Assignment of Rights, AOR-2336, to assign the portion of the water under appropriation D-887 and A-768 previously relinquished to the land described below:

AOR-2336 (D-887 & A-768)

Township 19 North, Range 48 West of the 6 th P.M. in Morrill County		Acres
Section 20:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>8.3</u>
	TOTAL	31.0

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation D-887 AND A-768 for use upon the 31.0 acres described below and shown on aerial photographs filed with REL-2335 is CANCELLED.

REL-2335 (D-887 & A-768)

Township 19 North, Range 48 West of the 6 th P.M. in Morrill County		Acres
Section 19:	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0

2. The Department acknowledges the Notification of Assignment of Rights, AOR-2336, filed by the Beerline Canal Company on May 11, 2012, to assign the portion of D-887 and A-768 previously relinquished to the land described below. The location of these lands is shown on the aerial photographs submitted with AOR-2336.

AOR-2336 (D-887 & A-768)

Township 19 North, Range 48 West of the 6 th P.M. in Morrill County		Acres
Section 20:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>8.3</u>
	TOTAL	31.0

3. The right to divert a maximum of 14.19 cfs from the North Platte River under D-887 via the Beerline Canal for use upon 993.0 acres shall remain IN FULL FORCE AND EFFECT.

4. The right to divert water from Pathfinder Reservoir under A-768 via the Beerline Canal for use upon 1,057.0 acres shall remain IN FULL FORCE AND EFFECT.
5. All terms and conditions of appropriations D-887 and A-768 remain in effect unless specifically changed by this Order.
6. A listing of land entitled to irrigation from the North Platte River and Pathfinder Reservoir via the Beerline Canal are described on **Attachment A**, which is made a part of 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 assignment of relinquished portions of an appropriation.
 - C. Comply with all relevant notices and orders of the Department.

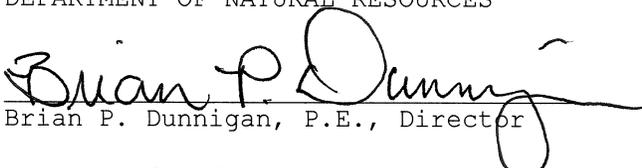
ADDITIONAL INFORMATION

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

February 15, 2013


 Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and Attachment A were provided to the Department's field office in Bridgeport. Copies of this Order and Attachment A were mailed on February 15, 2013, to the following:

Beerline Canal Company
c/o Ivan Dobrinski, President
9718 Road 100
Bridgeport, Nebraska 69336

ATTACHMENT A

Lands Entitled to Water from the Beerline Canal
 Under Water Appropriations D-887 and A-768
 As of Order Dated February 15, 2013

<u>Township 19 North, Range 48 West</u> <u>Morrill</u>		<u>Acres Under</u> <u>D-887 & A-768</u>	<u>Acres Under</u> <u>A-768</u>	
Section 19:	SW ¹ / ₄ NW ¹ / ₄	9.0		
	SE ¹ / ₄ NW ¹ / ₄	15.0		
	SW ¹ / ₄ NE ¹ / ₄	17.0		
	SE ¹ / ₄ NE ¹ / ₄	7.0		
	NW ¹ / ₄ SW ¹ / ₄	21.0		
	NE ¹ / ₄ SW ¹ / ₄	40.0		
	SE ¹ / ₄ SW ¹ / ₄	9.0		
	NW ¹ / ₄ SE ¹ / ₄	40.0		
	NE ¹ / ₄ SE ¹ / ₄	36.0		
	SW ¹ / ₄ SE ¹ / ₄	22.0		
	Section 20:	NW ¹ / ₄ SW ¹ / ₄	18.0	
		NE ¹ / ₄ SW ¹ / ₄	0.9	
SW ¹ / ₄ SW ¹ / ₄		31.8		
SE ¹ / ₄ SW ¹ / ₄		23.3		
SW ¹ / ₄ SE ¹ / ₄		27.0		
SE ¹ / ₄ SE ¹ / ₄		12.0		
Section 21:	NW ¹ / ₄ SW ¹ / ₄	12.0		
	NE ¹ / ₄ SW ¹ / ₄	19.0		
	SW ¹ / ₄ SW ¹ / ₄	17.0		
	SE ¹ / ₄ SW ¹ / ₄	32.0		
	NW ¹ / ₄ SE ¹ / ₄	7.0		
	SW ¹ / ₄ SE ¹ / ₄	38.0		
Section 22:	SW ¹ / ₄ SW ¹ / ₄	23.0		
	SE ¹ / ₄ SW ¹ / ₄	22.0		
Section 26:	NW ¹ / ₄ NW ¹ / ₄	19.0		
	SW ¹ / ₄ NW ¹ / ₄	40.0		
	NW ¹ / ₄ SW ¹ / ₄	26.0		

<u>Township 19 North, Range 48 West Morrill</u>		<u>Acres Under D-887 & A-768</u>	<u>Acres Under A-768</u>
Section 27:	NE ¹ / ₄ NW ¹ / ₄	17.0	
	SW ¹ / ₄ NW ¹ / ₄	24.0	
	SE ¹ / ₄ NW ¹ / ₄	10.0	
	NW ¹ / ₄ NE ¹ / ₄	18.0	
	NE ¹ / ₄ NE ¹ / ₄	2.0	
	SW ¹ / ₄ NE ¹ / ₄	34.0	
	SE ¹ / ₄ NE ¹ / ₄	14.0	
	NW ¹ / ₄ SW ¹ / ₄	40.0	
	NE ¹ / ₄ SE ¹ / ₄	21.0	
	SE ¹ / ₄ SE ¹ / ₄	8.0	
Section 28:	NW ¹ / ₄ NW ¹ / ₄	36.0	
	NE ¹ / ₄ NW ¹ / ₄	36.0	
	SW ¹ / ₄ NW ¹ / ₄	3.0	
	SE ¹ / ₄ NW ¹ / ₄	28.0	
	SW ¹ / ₄ NE ¹ / ₄	31.3	
	SE ¹ / ₄ NE ¹ / ₄	22.7	
	NE ¹ / ₄ SW ¹ / ₄		1.0
	NW ¹ / ₄ SE ¹ / ₄	21.5	3.5
	NE ¹ / ₄ SE ¹ / ₄	7.5	30.5
	SW ¹ / ₄ SE ¹ / ₄		1.0
SE ¹ / ₄ SE ¹ / ₄		24.0	
Section 29:	NE ¹ / ₄ NE ¹ / ₄	6.0	4.0
Section 35:	SW ¹ / ₄ SW ¹ / ₄	<u>29.0</u>	<u> </u>
TOTAL		993.0	64.0