

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1957 TO TRANSFER THE LOCATION OF USE
FOR A PORTION OF LAND SERVED UNDER APPROPRIATION A-14777

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14777 is held by North Loup River Public Power and Irrigation District (NLRPPID).
2. Appropriation A-14777 has a priority date of March 7, 1977, and authorizes the use of water for irrigation of the 55.5 acres of land described below. The water may be diverted from the North Loup River through the headgate of the Burwell-Sumter Canal located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 21 North, Range 16 West of the 6th P.M. in Garfield County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.79 cfs (354 gallons per minute).

<u>Township 19 North, Range 14 West of the 6th P.M. in Garfield County</u>		<u>Acres</u>
Section 3:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.4</u>
	TOTAL	55.5

3. On June 20, 2007, J. L. Pinkman, Manager, on behalf of the NLRPPID, filed application EXT-1957 (T-1301) requesting the location of use for a portion of land authorized for irrigation under appropriation A-14777 be transferred from the land described in Column A to the land described in Column B:

<u>Column A</u>		<u>Column B</u>	
<u>Township 19 North, Range 14 West of the 6th P.M. in Valley County</u>		<u>Township 19 North, Range 14 West of the 6th P.M. in Valley County</u>	
<u>Acres</u>		<u>Acres</u>	
Section 3:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 12:	NW $\frac{1}{4}$ NE $\frac{1}{4}$
	NE $\frac{1}{4}$ SE $\frac{1}{4}$		NE $\frac{1}{4}$ NE $\frac{1}{4}$
	SE $\frac{1}{4}$ SE $\frac{1}{4}$		SW $\frac{1}{4}$ NE $\frac{1}{4}$
			SE $\frac{1}{4}$ NE $\frac{1}{4}$
	TOTAL		TOTAL
	2.1		0.2
	8.0		2.6
	<u>4.2</u>		0.8
	14.3		<u>10.7</u>
			14.3

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-1957 (T-1301) for a permit for an expedited transfer of the location of use is APPROVED.
2. The following described land is no longer subject to irrigation from the North Loup River via the headgate of the Burwell-Sumter Canal located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 21 North, Range 16 West of the 6th P.M. in Garfield County under water appropriation A-14777.

Township 19 North, Range 14 West of
the 6th P.M. in Valley County Acres

Section 3:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.1
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.2</u>
	TOTAL	14.3

3. The following described land is now entitled to be irrigated from the North Loup River via the headgate of the Burwell-Sumter Canal located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 21 North, Range 16 West of the 6th P.M. in Garfield County under water appropriation A-14777.

Township 19 North, Range 14 West of
the 6th P.M. in Valley County Acres

Section 3:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.2
Section 12:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>10.7</u>
	TOTAL	55.5

4. All terms and conditions of appropriations A-14777 remains in effect unless specifically changed by this Order.
5. A project map showing all land included under appropriations A-14777 for the Burwell-Sumter Canal must be filed in the office of the Department by three years past the signing date of this approval.
6. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Receive 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 the reassignment of relinquished portions of an appropriation.
- C. Comply with all relevant Notices and Orders of the Department.

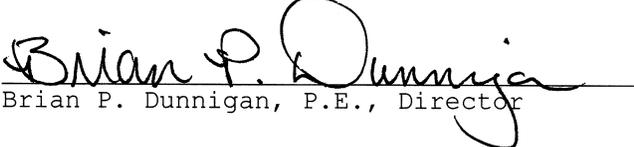
ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this 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

October 13, 2010


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 (P.O. Box 94676, 301 Centennial Mall South, 4th Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on October 13, 2010, to the following:

J. L. Pinkman, Manager
North Loup River Public Power & Irrigation District
P.O. Box 147
Ord, Nebraska 68862