

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFERS EXT-1956 (T-1194) AND EXT-1971
TO TRANSFER THE LOCATION OF USE FOR A PORTION OF LAND SERVED UNDER
APPROPRIATIONS A-3215B AND A-3982B

WATER DIVISION 2-A

BACKGROUND

- Appropriations A-3215B and A-3982B are held by North Loup River Public Power and Irrigation District (NLRPPID) to divert water 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 for incidental underground storage and irrigation.

Appropriation Number	Priority Date	Source	Permitted Acres	Maximum	
				Diversion in CFS ¹ Irrigation	IUS ²
A-3215B	07-25-1940	North Loup River	869.0	7.24	2.27
A-3982B	10-11-1946	North Loup River	869.0 ³	5.17	1.62

¹ Cubic foot per second (cfs)

² Incidental underground storage

³ Appropriation A-3982B at a rate of one cfs for every 168 acres provides supplemental water to A-3215B at a rate of one cfs for every 120 acres.

- On October 21, 2004, J. L. Pinkman, Manager, on behalf of the NLRPPID, filed application EXT-1956 (T-1194) requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-3215B be transferred from the land described in Column A to the land described in Column B:

<u>Column A</u>		<u>Column B</u>	
Township 19 North, Range 14 West of the 6 th P.M. in Valley County Acres		Township 19 North, Range 14 West of the 6 th P.M. in Valley County Acres	
Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$	30.0	Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.6
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	28.4
		TOTAL	30.0

3. On September 29, 2010, J. L. Pinkman, Manager, on behalf of the NLRPPID, filed application EXT-1971 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-3982B be transferred from the land described above in Column A to the land described above in Column B.

ORDER

IT IS HEREBY ORDERED:

1. Applications EXT-1956 (T-1194) and EXT-1971 for a permit for an expedited transfer of the location of use are APPROVED.
2. The land described in Column A in paragraph 2 on page one of this Order 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 appropriations A-3215B and A-3982B.
3. The land described in Column B in paragraph 2 on page one of this Order 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 appropriations A-3215B and A-3982B.
4. All terms and conditions of appropriations A-3215B and A-3982B remain in effect, including the authorized amount for incidental underground storage, unless specifically changed by this Order.
5. A project map showing all land included under appropriations A-3215B and A-3982 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
PO Box 147
Ord, Nebraska 68862