

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-1961 FOR

WATER APPROPRIATION A-3835B AND

APPROVAL OF NON-EXPEDITED TRANSFER NEX-1959 FOR WATER APPROPRIATION A-10127

WATER USE CONTRACT 786

WATER DIVISION 1-B

Background

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations A-3835B and A-10127 are held by Opal E. Crow.
2. Appropriation A-3835B has a priority date of May 19, 1945, and authorizes the use of water for irrigation of 54.2 acres of land. The water may be diverted from Medicine Creek at points of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, both in Township 7 North, Range 27 West of the 6th P.M. in Frontier County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 110 acres irrigated at a maximum combined rate of 0.49 cfs (220 gallons per minute) from all points of diversion.
3. Appropriation A-10127 has a priority date of December 4, 1962, and authorizes the use of water for irrigation of 54.2 acres of land. The water may be diverted from Medicine Creek at points of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, both in Township 7 North, Range 27 West of the 6th P.M. in Frontier County. The rate that water may be diverted shall not exceed one cfs for every 194 acres irrigated at a maximum combined rate of 0.28 cfs (126 gallons per minute) from all points of diversion.
4. On July 29, 2010, Opal E. Crow filed applications NEX-1961 and NEX-1959, which is authorized under the provisions of *Neb. Rev. Stat.* § 46-290(5) and 457 *Neb. Admin. Code* Chapter 9.002.01, and requested a temporary change of use and location of use of water for appropriations A-3835B and A-10127 to meet the requirements for participation in the Nebraska Platte-Republican Resources Area Conservation Reserve Enhancement Program (CREP). The CREP contract is pursuant to an agreement between the State of Nebraska and U.S. Department of Agriculture Commodity Credit Corporation. Opal E. Crow desires to participate in CREP and have CREP Water Use Contract 786 in which Opal E. Crow agrees not to irrigate specific land for a specific period of time. Under provisions of *Neb. Rev. Stat.* § 46-294 (1)(e) only the historic consumptive use may be transferred to the new use and location

of use. The Department has determined the amount of historic consumptive use of surface water for these acres to be as follows, not to exceed a combined total of 55.10 acre-feet per annum.

<u>Month</u>	<u>A-3835B CFS</u>	<u>A-10127 CFS</u>	<u>Total CU</u>
June	0.12	0.07	0.19
July	0.23	0.13	0.36
August	0.23	0.13	0.36

5. The Department has reviewed applications NEX-1961 and NEX-1959 and other pertinent information and determined that the transfer request meets all necessary requirements for approval pursuant to *Neb. Rev. Stat.* § 46-294(1) and all other applicable laws and regulations.

Order

IT IS HEREBY ORDERED:

- Applications NEX-1961 and NEX-1959 for a permit for a non-expedited transfer of the use and location of use are APPROVED.
- Opal E. Crow entered into CREP Water Use Contract 786 with the Department and a CREP Contract with the U.S. Department of Agriculture (hereinafter collectively referred to as "the Contracts") agreeing not to use appropriations A-3835B and A-10127 for irrigation in accordance with the terms of the Contracts.
- Appropriation A-3835B through transfer NEX-1961 shall be a flow augmentation appropriation for the amount of water shown below, not to exceed 35.26 acre-feet per annum, for meeting the purposes of the CREP goals.

<u>Month</u>	<u>CFS</u>
June	0.12
July	0.23
August	0.23

- A-10127 through transfer NEX-1959 shall be a flow augmentation appropriation for the amount of water shown below, not to exceed 19.84 acre-feet per annum, for meeting the purposes of the CREP goals.

<u>Month</u>	<u>CFS</u>
June	0.07
July	0.13
August	0.13

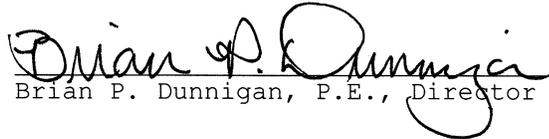
- The location of use shall be downstream of the current point of diversion to the point where the Republican River crosses the Nebraska/Kansas state line.

6. This temporary use began on March 1, 2007, and is effective through September 30, 2021. After this date appropriations A-3835B and A-10127 shall automatically revert back to its previous use and location of use.
7. The following described land shall not be irrigated during the term of this temporary permit.

Township 7 North, Range 27 West of the		
<u>6th P.M. in Frontier County</u>		<u>Acres</u>
Section 18:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>32.4</u>
	TOTAL	54.2

DEPARTMENT OF NATURAL RESOURCES

October 13, 2010


 Brian P. Dunnigan, P.E., Director

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 Cambridge, Nebraska. A copy of this Order was mailed on October 13, 2010, to the following:

Opal Crow
 3403 Frontier Street
 Cheyenne, Wyoming 82001

Leon Buker
 PO Box 17
 Stockville, Nebraska 69042