

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFERS EXT-2345, EXT-2346 AND EXT-2350
 TO TRANSFER THE LOCATION OF USE FOR A PORTION OF LAND SERVED UNDER
 APPROPRIATIONS A-2312CR AND A-3980C

WATER DIVISION 2-A

BACKGROUND

1. Appropriations A-2312CR and A-3980C are held by North Loup River Public Power and Irrigation District (District) to divert water from the North Loup River through the headgate of the Ord-North Loup Canal located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 19 North, Range 14 West of the 6th P.M. in Valley County for the purpose of irrigation.

Appropriation Number	Priority Date	Source	Ratio ²	Permitted Acres	Maximum	
					Diversion in CFS ¹ Irrigation	IUS ³
A-2312CR	03-28-1933	North Loup River	1/140	4,580.5	32.72	7.62
A-3980C ⁴	10-11-1946	North Loup River	1/70	4,580.5	65.44 ⁵	15.23 ⁵
A-3980C	10-11-1946	North Loup River	1/70	955.1	13.64	11.13

¹ Cubic foot per second (cfs)

² The instantaneous diversion rate that is a ration of the cfs per number of acres irrigated.

³ Incidental underground storage

⁴ The portion of appropriation A-3980C that provides additional water to A-2312CR.

⁵ This permit is conditional such that it is for amount shown less any water diverted under A-2312CR.

2. On June 6, 2012, Craig A. Critel, Manager, on behalf of the District, filed application EXT-2345 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-2312CR 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 13 West of the 6 th P.M. in Valley County Acres		Township 18 North, Range 13 West of the 6 th P.M. in Valley County Acres	
Section 34:	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34.3	Section 10:	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 33.9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0		SE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.4
	TOTAL 64.3		TOTAL 64.3

3. On June 6, 2012, Craig A. Critel, Manager, on behalf of the District, filed application EXT-2346 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-3980C 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 13 West of the 6 th P.M. in Valley County Acres		Township 18 North, Range 13 West of the 6 th P.M. in Valley County Acres	
Section 34:		Section 10:	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.7		NE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.4
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 17.0		SE $\frac{1}{4}$ SW $\frac{1}{4}$ <u>8.8</u>
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ <u>2.5</u>		
	TOTAL 28.2		TOTAL 28.2

4. On June 8, 2012, Craig A. Critel, Manager, on behalf of the District, filed application EXT-2350 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-3980C be transferred from the land described in Column A in paragraph 2 on page one to the land described in Column B in paragraph 2 on page one.

ORDER

IT IS HEREBY ORDERED:

1. Applications EXT-2345 and EXT-2350 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 Ord-North Loup Canal located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 19 North, Range 14 West of the 6th P.M. in Valley County under water appropriations A-2312CR through EXT-2345 and A-3980C through EXT-2350.
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 Ord-North Loup Canal located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 19 North, Range 14 West of the 6th P.M. in Valley County under water appropriations A-2312CR through EXT-2345 and A-3980C through EXT-2350.

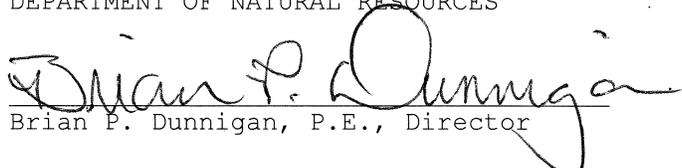
4. Application EXT-2346 for a permit for an expedited transfer of the location of use is APPROVED.
5. The land described in Column A in paragraph 3 on page two of this Order is no longer subject to irrigation from the North Loup River via the headgate of the Ord-North Loup Canal located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 19 North, Range 14 West of the 6th P.M. in Valley County under water appropriation A-3980C through EXT-2346.
6. The land described in Column B in paragraph 3 on page two of this Order is now entitled to be irrigated from the North Loup River via the headgate of the Ord-North Loup Canal located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 19 North, Range 14 West of the 6th P.M. in Valley County under water appropriation A-3980C through EXT-2346.
7. A portion of Appropriation A-3980C provides additional water to land approved for irrigation under appropriation A-2312CR.
8. All terms and conditions of appropriations A-2312C and A-3980C remain in effect unless specifically changed by this Order.
9. 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.

DEADLINES

A map must be filed in the office of the Department six months past the signing date of this application approval, depicting transfers EXT-2345, EXT-2346 and EXT-2350, prepared according to the *Department of Natural Resources Rules for Surface Water, Title 457, Neb. Admin. Code Chapter 10.*

DEPARTMENT OF NATURAL RESOURCES

July 3, 2012


 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 Title 454 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 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 July 3, 2012, to the following:

Craig Critel, Manager
North Loup River Public Power & Irrigation District
128 North 16th Street
Ord, NE 68862