STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFERS EXT-2358 AND EXT-2359

TO TRANSFER THE LOCATION OF USE FOR A PORTION OF LAND SERVED UNDER

APPROPRIATIONS A-2312A AND A-3980A

WATER DIVISION 2-A

BACKGROUND

1. Appropriations A-2312A and A-3980A 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 Taylor-Ord Canal located in the SW¼NE¼ of Section 13, Township 21 North, Range 19 West of the 6th P.M. in Loup County for the purpose of irrigation.

Appropriation Number	Priority Date	Source	Ratio[2]	Permitted Acres	Maximum Diversion in CFS[1] Irrigation	IUS[3]
A-2312A	03-28-1933	North Loup River	1/140	10,599.6	75.71	12.92
A-3980A[4]	10-11-1946	North Loup River	1/70	10,599.6	151.42[5]	25.84[5]

[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-3980A that provides additional water to A-2312A

[5] This permit is conditional such that it is for amount shown less any diverted under A-2312A

2. On June 21, 2012, Craig A. Critel, Manager, on behalf of the District, filed application EXT-2358 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-2312A be transferred from the land described in Column A to the land described in Column B:

Column A		Column B	
Township 21 North, Range 16 West of the 6th P.M. in Garfield County	Acres	Township 21 North, Range 16 West of the 6th P.M. in Garfield County	Acres
Section 15: NE¼SE¼	11.4	Section 15: SW¼SE¼	11.4

3. On June 21, 2012, Craig A. Critel, Manager, on behalf of the District, filed application EXT-2359 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriation A-3980A 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-2358 and EXT-2359 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 Taylor-Ord Canal located in the SW¼NE¼ of Section 13, Township 21 North, Range 19 West of the 6th P.M. in Loup County under water appropriations A-2312A through EXT-2358 and A-3980A through EXT-2359.

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 Taylor-Ord Canal located in the SW¼NE¼ of Section 13, Township 21 North, Range 19 West of the 6th P.M. in Loup County under water appropriations A-2312A through EXT-2358 and A-3980A through EXT-2359.

4. A portion of appropriation A-3980A provides additional water to land approved for irrigation under appropriation A-2312A.

5. All terms and conditions of appropriations A-2312A and A-3980A remain in effect unless specifically changed by this Order.

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.

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-2358 and EXT-2359, prepared according to the *Department of Natural Resources Rules for Surface Water, Title 457, Neb. Admin. Code* Chapter 10.

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 an appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

July 25, 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 25, 2012, to the following:

Craig A. Critel, Manager
North Loup River Public Power & Irrigation District
P.O. Box 147
Ord, Nebraska 68862