

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DISMISSING TRANSFER CRT-2136 FOR APPROPRIATION D-10BR

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation Docket D-10BR is held by Frenchman Valley Farmers Coop, Inc.
2. Water appropriation Docket D-10BR, with a priority date of December 19, 1893, is a permit to divert 1.17 cubic feet per second of water from the Frenchman River (Creek) at a point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 17, Township 3 North, Range 31 West of the 6<sup>th</sup> P.M. in Hitchcock County to irrigate 81.5 acres.
3. On June 16, 2005, the Department entered into Nebraska Platte-Republican Resources Area Conservation Reserve Program (CREP) Water Use Contract number 344 with landowner Crews Farms, LLC.
4. On July 13, 2011, Donald L. Crews, on behalf of Crews Farms, LLC, filed in the Department transfer CRT-2136 which proposed a temporary change of location and use of a portion of water appropriation D-10BR. Application CRT-2136 was filed in order to meet the requirements for participation in the CREP program.
5. On December 7, 2011, Jim Chism with the Frenchman Valley Farmers Coop, Inc., filed in the Department a Notice of Change of Ownership form indicating that the Coop is the owner of the land authorized to be irrigated by appropriation D-10BR.
6. On March 8, 2012, Frenchman Valley Farmers Coop, Inc., remitted to the Department the monies received as a result of the termination of Water Use Contract 344.
7. The filing of application CRT-2136 was based on the Crews Farms, LLC's participation in the CREP program. With the change of ownership of the land under D-10BR, and the withdrawal from the program, application CRT-2136 is unnecessary and should be dismissed.

ORDER

IT IS HEREBY ORDERED:

1. Application CRT-2136 is DISMISSED.
2. All other terms and conditions of Docket D-10BR remain in effect.

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.

These appropriations are not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. These appropriations may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

April 12, 2013

  
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 April 12, 2013, to the following:

Donald L. Crews  
Crews Farms, LLC  
1820 Wallenberg Drive  
Fort Collins, CO 80526

Jim Chism  
Frenchman Valley Farmers Coop, Inc.  
P.O. Box 578  
Imperial, NE 69033