

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFERS EXT-4802, EXT-4803 AND EXT-4804
FOR WATER APPROPRIATIONS A-2312A AND A-3980A

WATER DIVISION 2-A

BACKGROUND

1. North Loup River Public Power and Irrigation District (District) holds appropriations to divert water from the North Loup River through the headgate of the Taylor-Ord Canal located in the SW¹/₄NE¹/₄ of Section 13, Township 21 North, Range 19 West of the 6th P.M. in Loup County for the purpose of irrigation and incidental underground storage. The surface water appropriations diverted through this canal are as follows:

Appropriation Number	Priority Date	Source	Use	Acres	Grant ¹
A-2312A	03/28/1933	North Loup River	IR ²	10,599.6	75.71
			US ³	-	12.92
A-3215A	07/25/1940	North Loup River	IR	618.0	6.18
			US	-	1.47
A-3980A ⁴	10/11/1946	North Loup River	IR	10,599.6	151.42
			US	-	25.84
A-3980A ⁵	10/11/1946	North Loup River	IR	2,278.9	32.56
			US	-	17.78
A-3982A ⁶	10/11/1946	North Loup River	IR	618.0	2.65
			US	-	0.63
A-13475	03/17/1975	North Loup River	IR	28.0	0.04
A-15442	03/29/1979	North Loup River	IR	6.0	0.09
A-15460	04/19/1979	North Loup River	IR	23.0	0.33
A-15569	08/22/1979	North Loup River	IR	16.0	0.23
A-15821	04/01/1981	North Loup River	IR	30.0	0.43
A-16503	07/02/1986	North Loup River	IR	68.0	0.97
A-16788	05/02/1989	North Loup River	IR	3.0	0.04
A-18182	07/29/2003	North Loup River	IR	47.0	0.67

¹ Grant is in cubic feet per second

² IR = Irrigation from naturally flowing source

³ US = Incidental underground storage

⁴ That portion of A-3980A providing additional water for lands also under A-2312A

⁵ That portion of A-3980A receiving the full appropriation

⁶ Provides additional water to A-3215A

2. Water diverted under appropriation A-2312A shall not exceed the ratio of one cfs for every 140 acres irrigated. Total volume of water diverted may not exceed one acre-feet per acre irrigated per annum.
3. Water diverted under appropriation A-3980A³ shall not exceed the ratio of one cfs for every 70 acres irrigated, nor three acre-feet per acre irrigated per annum, less that fraction of a cfs and that number of acre-feet per acre per annum to which lands described in appropriation A-3980A are entitled by virtue of appropriation A-2312A.
4. The District carries water from the North Loup River through the headgate of the Taylor-Ord Canal located in the SW¹/₄NE¹/₄ of Section 13, Township 21 North, Range 19 West of the 6th P.M. in Loup County for the purpose of irrigation of the appurtenant land held under private appropriations as follows:

Appropriation Number	Priority Date	Source	Use	Acres	Grant ¹
A-2155	08/08/1930	North Loup River	IR ²	86.4	1.23
A-2417R	07/06/1934	North Loup River	IR	183.0	1.31
A-3768	09/23/1944	North Loup River	IR	54.0	0.45
A-7600	05/27/1955	North Loup River	IR	12.0	0.11
A-7854	08/01/1955	North Loup River	IR	29.4	0.42
A-11447	06/13/1968	North Loup River	IR	24.0	0.34
A-11648	02/18/1969	North Loup River	IR	6.3	0.09
A-11706	05/19/1969	North Loup River	IR	34.5	0.49

5. On August 22, 2013, Craig A. Critel, Manager, on behalf of the District, filed applications EXT-4802 and EXT-4804 requesting the location of use for a portion of land authorized for irrigation and incidental underground storage under appropriations A-2312A and A-3980A³, respectively, be transferred from the land described in Column A to the land described in Column B:

<u>Column A</u>		<u>Column B</u>	
EXT-4802 (A-2312A)		EXT-4802 (A-2312A)	
EXT-4804 (A-3980A ³)		EXT-4804 (A-3980A ³)	
Township 21 North, Range 18 West of the 6 th P.M. in Loup County		Township 21 North, Range 17 West of the 6 th P.M. in Loup County	
	Acres		Acres
Section 36: NW ¹ / ₄ SE ¹ / ₄	28.0	Section 31: NW ¹ / ₄ SW ¹ / ₄	35.8
NE ¹ / ₄ SE ¹ / ₄	20.7	NE ¹ / ₄ SW ¹ / ₄	2.6
SE ¹ / ₄ SE ¹ / ₄	<u>3.4</u>	SW ¹ / ₄ SW ¹ / ₄	<u>13.7</u>
TOTAL	52.1	TOTAL	52.1

¹ Grant is in cubic feet per second

² IR = Irrigation from naturally flowing source

³ That portion of A-3980A providing additional water for lands also under A-2312A

6. The land described in Column B in Paragraph 6 on Page 3 of this Order is now entitled to irrigation and incidental underground water stored from the North Loup River via the headgate of the Taylor-Ord Canal located in the SW¹/₄NE¹/₄ of Section 13, Township 21 North, Range 19 West of the 6th P.M. in Loup County under water appropriation A-3980A¹ through EXT-4803.
7. The right to divert 75.71 cfs from the North Loup River under A-2312A via the Taylor-Ord Canal for use upon 10,599.6 acres shall remain IN FULL FORCE AND EFFECT.
8. Water diverted under appropriation A-3980A² shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum of 151.42 cfs, nor exceed three acre-feet per acre irrigated per annum, less that fraction of a cfs and that number of acre-feet per acre per annum to which lands described in appropriation A-3980A are entitled by virtue of appropriation A-2312A from the North Loup River under A-3980A² via the Taylor-Ord Canal for use upon 10,599.6 acres and 25.84 cfs for incidental underground storage (U-3) shall remain IN FULL FORCE AND EFFECT.
9. The right to divert 32.56 cfs from the North Loup River under A-3980A¹ via the Taylor-Ord Canal for use upon 2,278.9 acres shall remain IN FULL FORCE AND EFFECT.
10. All terms and conditions of appropriations A-2312A and A-3980A remain in effect unless specifically changed by this Order.
11. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Receiving 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 Natural Resources of any assignment of relinquished portions of an appropriation.
 - C. Comply with all relevant notices and orders of the Department.

DEADLINES

Because the District is in the process of upgrading their computer system and preparing an application for a District transfer and map according to *Neb. Rev. Stat. §§ 46-2,122 through 46-2,126*, a map must be filed in the office of the Department by December 31, 2016, depicting transfers EXT-4802, EXT-4803, and EXT-4804, prepared according to the *Department of Natural Resources Rules for Surface Water, Title 457, Neb. Admin. Code Chapter 10*.

¹ That portion of A-3980A receiving the full appropriation

² That portion of A-3980A providing additional water for lands also under A-2312A

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

January 10, 2014


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. Copies of this Order and Attachments A and B were provided to the Department's field office in Ord, Nebraska. Copies of this Order and Attachments A and B were mailed on January 10, 2014, to the following:

James A. Wurst, Manager
North Loup River Public Power & Irrigation District
128 North 16th Street
Ord, NE 68862

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