

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-7421 FOR APPROPRIATION D-680

AND RLP-9368 FOR APPROPRIATION A-2726

TO CHANGE THE LOCATION OF DIVERSION

WATER DIVISION 1-A

BACKGROUND

1. Water appropriation D-680, has a priority date of October 22, 1894, and authorizes the Thirty Mile Irrigation District (District) and Central Platte Natural Resources District (CPNRD) to divert 23.8 cubic feet per second (cfs) of water from the Platte River into the Six Mile Canal at the headgate located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 11 North, Range 26 West of the 6th P.M. in Lincoln County, for irrigation of 1,666 acres of land and incidental underground storage.
2. Water appropriation A-2726, has a priority date March 31, 1937, and authorizes the Nebraska Public Power District (NPPD) to divert water from Sutherland Reservoir into the Six Mile Canal for supplemental irrigation to the same lands appurtenant to appropriation D-680.
3. On May 13, 2019, Lyndon Vogt, on behalf of CPNRD, filed petition RLP-7421 in the Department for a permit to change the location of diversion for appropriation D-680.
4. On April 16, 2021, Jeff Shafer, on behalf of NPPD, filed petition RLP-9368 in the Department for a permit to change the location of diversion for that portion of appropriation A-2726 supplemental to D-680.
5. The proposed location of diversion for D-680 and the corresponding portion of A-2726 would be the headgate of the Thirty Mile Canal in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 12 North, Range 26 West of the 6th P.M. in Lincoln County.
6. A portion of D-680, D-680R (P-435) was previously relocated to divert at the headgate of the Thirty Mile Canal.

D-680R authorizes the District to divert 1.27 cfs of water for irrigation of 89 acres and 0.05 cfs of water for incidental underground storage under application U-8 from the Platte River into the Thirty Mile Canal at the headgate located in the in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 12 North, Range 26 West of the 6th P.M. in Lincoln County.

ORDER

IT IS HEREBY ORDERED:

1. Petitions RLP-7421 and RLP-9368 for permits to change the location of diversion for appropriations D-680 and A-2726, respectively, are APPROVED.
2. Appropriation D-680 through petition RLP-7421 is merged into D-680R.
3. The portion of appropriation A-2726 supplemental to D-680, modified by RLP-9368, shall now be identified in Department records as A-2726 (D-680R).
4. Appropriation D-680R shall be shown in the Department's records authorizing the use of 25.07 cfs of water to irrigate the 1,755 acres of land. The water may be diverted at the headgate of the Thirty Mile Canal located in the in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 12 North, Range 26 West of the 6th P.M. in Lincoln County.
5. Appropriation A-2726 provides additional water to land approved for irrigation under appropriation D-680R and is authorized to divert at the headgate of the Thirty Mile Canal located in the in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 12 North, Range 26 West of the 6th P.M. in Lincoln County.
6. Appropriation D-680R (U-8) for the purpose of incidental underground storage in the amount of 0.05 CFS is authorized to divert at the headgate of the Thirty Mile Canal located in the in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 12 North, Range 26 West of the 6th P.M. in Lincoln County.
7. Lands entitled to water under appropriations D-680R and A-2726 are described in Attachment A which is made a part of this Order.
8. All terms and conditions of appropriation A-680, D-680R, and A-2726 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. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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 Order 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



Thomas E. Riley, P.E., Director

March 2, 2022

A copy of this Order was posted on the Department's website, provided to the Department's field office in Bridgeport, Nebraska, and mailed on March 2, 2022, to the following:

Jeff Shafer
Nebraska Public Power District
P.O. Box 608
York, Nebraska 68647-0608

Joe L. Citta Jr.
Nebraska Public Power District
P.O. Box 499
Columbus, Nebraska 68602

Nebraska Public Power District
3400 Newell
Cozad, Nebraska 69130

Lyndon Vogt
Central Platte NRD
215 Kaufman Avenue
Grand Island, NE 68803

Attachment A

30 Mile Canal
Lands Entitled to Water Under D-680R and A-2726

<u>Township 11 North, Range 25 West of the 6th P.M. in Dawson County</u>	<u>Acres</u>	<u>Township 11 North, Range 25 West of the 6th P.M. in Dawson County</u>	<u>Acres</u>
Section 17: SW ¹ / ₄ SW ¹ / ₄	10.0	Section 27: NW ¹ / ₄ NE ¹ / ₄	7.0
Section 20: NW ¹ / ₄ NW ¹ / ₄	33.0	SW ¹ / ₄ NE ¹ / ₄	37.0
NE ¹ / ₄ NW ¹ / ₄	28.0	SE ¹ / ₄ NE ¹ / ₄	32.0
SW ¹ / ₄ NW ¹ / ₄	35.0	NW ¹ / ₄ SW ¹ / ₄	35.0
SE ¹ / ₄ NW ¹ / ₄	38.0	NE ¹ / ₄ SW ¹ / ₄	40.0
NW ¹ / ₄ NE ¹ / ₄	8.0	SW ¹ / ₄ SW ¹ / ₄	37.0
SW ¹ / ₄ NE ¹ / ₄	40.0	SE ¹ / ₄ SW ¹ / ₄	40.0
SE ¹ / ₄ NE ¹ / ₄	30.0	NW ¹ / ₄ SE ¹ / ₄	39.0
NE ¹ / ₄ SW ¹ / ₄	18.0	NE ¹ / ₄ SE ¹ / ₄	40.0
NW ¹ / ₄ SE ¹ / ₄	36.0	SW ¹ / ₄ SE ¹ / ₄	33.0
NE ¹ / ₄ SE ¹ / ₄	40.0	SE ¹ / ₄ SE ¹ / ₄	33.0
SW ¹ / ₄ SE ¹ / ₄	2.0	Section 28: NW ¹ / ₄ NW ¹ / ₄	14.0
SE ¹ / ₄ SE ¹ / ₄	29.0	NE ¹ / ₄ NW ¹ / ₄	21.0
Section 21: SW ¹ / ₄ NW ¹ / ₄	8.0	NW ¹ / ₄ NE ¹ / ₄	40.0
NW ¹ / ₄ SW ¹ / ₄	40.0	NE ¹ / ₄ NE ¹ / ₄	40.0
NE ¹ / ₄ SW ¹ / ₄	27.0	SW ¹ / ₄ NE ¹ / ₄	35.0
SW ¹ / ₄ SW ¹ / ₄	40.0	SE ¹ / ₄ NE ¹ / ₄	40.0
SE ¹ / ₄ SW ¹ / ₄	40.0	NW ¹ / ₄ SE ¹ / ₄	39.0
NW ¹ / ₄ SE ¹ / ₄	11.0	NE ¹ / ₄ SE ¹ / ₄	40.0
SW ¹ / ₄ SE ¹ / ₄	39.0	SW ¹ / ₄ SE ¹ / ₄	37.0
SE ¹ / ₄ SE ¹ / ₄	32.0	SE ¹ / ₄ SE ¹ / ₄	40.0
Section 26: SW ¹ / ₄ NW ¹ / ₄	10.0	Section 34: NW ¹ / ₄ NW ¹ / ₄	40.0
NW ¹ / ₄ SW ¹ / ₄	39.0	NE ¹ / ₄ NW ¹ / ₄	21.0
NE ¹ / ₄ SW ¹ / ₄	10.0	Section 35: NW ¹ / ₄ NW ¹ / ₄	11.0
SW ¹ / ₄ SW ¹ / ₄	40.0	NE ¹ / ₄ NW ¹ / ₄	36.0
SE ¹ / ₄ SW ¹ / ₄	37.0	NW ¹ / ₄ NE ¹ / ₄	38.0
SW ¹ / ₄ SE ¹ / ₄	9.0	NE ¹ / ₄ NE ¹ / ₄	8.0
Section 27: NW ¹ / ₄ NW ¹ / ₄	35.0	SW ¹ / ₄ NE ¹ / ₄	2.0
NE ¹ / ₄ NW ¹ / ₄	35.0	SE ¹ / ₄ NE ¹ / ₄	3.0
SW ¹ / ₄ NW ¹ / ₄	38.0	TOTAL	1,755.0
SE ¹ / ₄ NW ¹ / ₄	40.0		