

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9351 FOR WATER APPROPRIATION A-17328A

AND MAP NUMBER 20692

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17328A is held by Justin M. and Becky M. Crouse.
2. Appropriation A-17328A has a priority date of November 29, 1993, and authorizes the use of water for irrigation of the 42.2 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the west bank of the stream in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 17 North, Range 06 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.30 cfs.

Township 17 North, Range 06 West of the	
<u>6th P.M. in Nance County</u>	
	Acres
Section 30: NW $\frac{1}{4}$ NW $\frac{1}{4}$	22.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>20.0</u>
TOTAL	42.2

3. On March 30, 2021, Justin Crouse filed application EXT-9351 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-17328A.
4. On May 17, 2021, Steven M. Crouse and Justin M. Crouse filed map number 20692 showing the land proposed to be irrigated under appropriation A-17328A through transfer EXT-9351.
5. This transfer application and associated map has been submitted, along with transfers from four other water appropriations held by Steve and Justin Crouse, to provide enough acres to cover a new irrigation project to be operated by Justin Crouse. There will not be an increase in irrigated acres within the basin as the result of these transfers. Portions or all of the following appropriations have pending transfers before the Department to irrigate through a proposed 111.3 acre wiper pivot: A-8681R, A-11743, A-4208, A-17328A, A-17328B.

6. In addition, the Crouse's have requested to spread the transferred portion of water rights A-8681R and A-11743 and all of A-4208, A-17328A and A-17328B to the new project on all the acres that will be irrigated by a center pivot irrigation system. They will be geometrically coincident with each other, or in a "stacked" configuration, for convenience of operation during times of shortage with distinct priority dates and instantaneous diversion rates.

CONCLUSION:

During times of shortage proper distribution of water supplies can best be made with the aid of a suitable measuring device. Multiple appropriations with varying priority dates serving the same land would render a visual inspection of the irrigation project inconclusive for determining compliance with a closing notice of a junior appropriation. Therefore, a measuring device should be required if any of the aforementioned stacked appropriations are subject to a closing or regulating notice.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9351 for a permit for an expedited transfer of the location of use and map number 20692 are APPROVED.
2. Appropriation A-17328A through transfer EXT-9351 authorizes the use of water to irrigate 111.3 acres of land described below and depicted on map number 20692, which is made a part of this Order. The water may be diverted from the Cedar River at a point of diversion located on the right bank of the stream in the SW¹/₄SW¹/₄ of Section 19, Township 17 North, Range 06 West of the 6th P.M. in Nance County, as depicted on map number 20692. Water diverted shall not exceed the ratio of one cfs for every 371 acres irrigated at a maximum rate of 0.30 cfs (135 gallons per minute).

Township 17 North, Range 06 West of the 6 th P.M. in Nance County	Acres
Section 19: SW ¹ / ₄ SW ¹ / ₄	5.3
Section 30: NW ¹ / ₄ NW ¹ / ₄	36.4
NE ¹ / ₄ NW ¹ / ₄	11.6
SW ¹ / ₄ NW ¹ / ₄	36.6
SE ¹ / ₄ NW ¹ / ₄	10.9
NW ¹ / ₄ SW ¹ / ₄	<u>10.5</u>
TOTAL	111.3

3. The total amount of water diverted for the 111.3 acres under appropriations A-4208, A-8681AR, A-11743AR, A-17328A and A-17328B may not exceed three acre-feet annually nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

4. Appropriations A-8681AR through transfer NEX-9348, A-11743AR through transfer NEX-9349, A-17328A through transfer EXT-9351 and A-17328B through transfer NEX-9352 provide additional water to land approved for irrigation under appropriation A-4208 through transfer EXT-9350.
5. All terms and conditions of previous orders for appropriation A-17328 remain in effect unless specifically changed by this Order.
6. A measuring device, approved by the Department, is required to be installed and functional if any of these appropriations serving the same land are subject to a regulating or closing notice: A-4802, A-8681AR, A-11743AR, A-17328A and A-17328B. If one of the listed appropriations is regulated or closed, this appropriation will be denied water by the Department if not equipped with a satisfactory measuring device. The appropriator may contact the Department's Field Office to request an alternate diversion schedule if the permitted diversion rate is not sufficient to sustain their diversion works. Alternate schedules will be processed according to the provisions of *Neb. Rev. Stat. 46-231* or may be denied if determined to be infeasible by the Department.
7. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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 a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

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

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

June 18, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20692 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20692 were mailed to the following:

Justin M. and Becky M. Crouse
5100 North Emerald Road
Belgrade, Nebraska 68623

Steve and Sandy Crouse
P.O. Box 886
Fullerton, Nebraska 68638