

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19877 AND MAP NUMBER 21045

WATER DIVISION 2-A

BACKGROUND

1. On September 19, 2022, Bernard J. Glos, Office Administrator, Twin Loups Reclamation District (District), filed in the Department of Natural Resources (Department) application A-19877 for a Permit to Appropriate Water and map number 21045 showing land proposed to be irrigated under application A-19877

ORDER

IT IS HEREBY ORDERED that application A-19877 and map number 21045 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19877 as depicted on map number 20760 which is made a part of this Order.

<u>Township 15 North, Range 11 West of the</u>		
<u>6<sup>th</sup> P.M. in Howard County</u>		<u>Acres</u>
Section 04:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.9
 <u>Township 15 North, Range 10 West of the</u>		
<u>6<sup>th</sup> P.M. in Howard County</u>		<u>Acres</u>
Section 14:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4
Section 15:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.3
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.5</u>
	TOTAL	53.1

2. Appropriation A-19877 has a priority date of September 19, 2022, and authorizes the appropriator the use of 159.3 acre-feet annually from Davis Creek Reservoir (storage appropriation A-9518R and supplemental storage appropriations A-15090 and A-15091) from a point of diversion located at the headgate of the Fullerton Canal in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 17 North, Range 12 West of the 6<sup>th</sup> P.M. in Greeley County.

3. The appropriations for storage in Davis Creek Reservoir are:

Appropriation Number	Priority Date	Source	Use	Grant in Acre-feet	Acre-Feet Available for Irrigation Use
A-9518R	6/17/1957	Calamus River	ST	26,000.0	25,720.0 <sup>1</sup>
A-15090	8/24/1977	North Loup River	SS	32,459.0	32,459.0
A-15091	8/24/1977	Calamus River	SS	6,459.0	6,459.0
				Total	64,638.0

4. The irrigation appropriations from Davis Creek Reservoir storage appropriations are:

Appropriation Number	Priority Date	Source	Use	Acres	Grant in Acre-feet
A-17105	8/28/1991	Davis Creek Reservoir	SI <sup>2</sup>	12,005.0	36,015.0
A-18291	3/18/2005	Davis Creek Reservoir	SI	8,833.4	26,500.2
A-18394	4/25/2006	Davis Creek Reservoir	SI	65.4	196.2
A-19426	3/25/2016	Davis Creek Reservoir	SO <sup>3</sup>	38.4	115.2
A-19473	10/11/2016	Davis Creek Reservoir	SO	19.3	57.9
A-19535	06/05/2017	Davis Creek Reservoir	SO	34.7	104.1
A-19620	11/8/2018	Davis Creek Reservoir	SO	125.8	377.4
A-19665	07/31/2019	Davis Creek Reservoir	SO	6.8	20.4
A-19767	5/4/2021	Davis Creek Reservoir	SO	22.6	67.8
A-19877	9/19/2022	Davis Creek Reservoir	SO	53.1	159.3
				Total	63,613.5

<sup>1</sup> Water available for storage use under A-9518R; 26,000 acre-feet (af) less 131 af dead storage, less 149 af inactive storage equals 25,720 af.

<sup>2</sup> SI Supplemental Irrigation. Irrigation from a reservoir for lands also covered by a natural flow permit. Land under these appropriations may also receive water from Calamus Reservoir, Davis Creek Reservoir, the Calamus and North Loup Rivers; and, the total volumes of all diversions are not to exceed three acre-feet per acre irrigated per annum.

<sup>3</sup> SO Storage Only. Irrigation from storage water only.

5. Appropriation A-19877 will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 159.3 acre-feet per annum nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
6. Only the land shown on map number 21045 may be irrigated under appropriation A-19877 unless a change is authorized by subsequent Order of the Department.
7. If during the course of construction of the irrigation project it is determined that there is a difference in the number and/or location of acres from the approved map, an amended project map may be filed for an equal or lesser number of acres prior to the beneficial use investigation deadline. The Department, at its sole discretion, must determine that the change from the original map remains within the original project concept and does not violate any rules and/or statutes and will not harm another appropriator. The amended map may then be approved by Order of the Department for an equal or lesser number of acres of land or amount of water than originally granted.
8. 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 reassignment of relinquished portions of an appropriation.
  - C. Comply with all relevant notices and orders of the Department.
9. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19877 must be beneficially used by September 1, 2027.
10. After September 1, 2027, a field investigation will be conducted to determine the lands where water has been beneficially applied.
  - A. If the entire appropriation is found to have water beneficially applied, a Certificate of Perfected Appropriation will be issued by the Department for A-19877.
  - B. If a portion of the appropriation is found to have had water beneficially applied within the original project concept the Department may, at its discretion, modify the project map and land listing to represent the conditions found during the field investigation. The number of acres and diversion rate determined by the Department will not exceed what is granted by this Order. A Certificate of Perfected Appropriation specifying the final number of acres, location of acres and diversion rate will be issued by the Department for A-19877.

- C. If no portion of the appropriation is found to have water beneficially applied, the Department will issue an Order of Cancellation in Full for A-19877.

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 result in the cancellation of the 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.

DEPARTMENT OF NATURAL RESOURCES



June 5, 2024

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21045 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21045 were mailed to the following:

Mike Wells, Manager  
Twin Loups Reclamation District  
P.O. Box 98  
Scotia, Nebraska 68875

Aaron M. Thompson, Area Manager  
Bureau of Reclamation  
1706 West 3<sup>rd</sup> Street  
McCook, Nebraska 69001