

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19536, MAP NUMBER 19986

AND REALLOCATION OF STORAGE USE GRANTS FOR

APPROPRIATIONS A-17602, A-18290 AND A-18392

WATER DIVISION 2-A

BACKGROUND

1. On June 5, 2017, Bernard J. Glos, Office Manager, Twin Loups Reclamation District (District), filed in the Department of Natural Resources (Department) application A-19536 for a Permit to Appropriate Water.
2. On June 26, 2017, Bernard J. Glos filed in the Department map number 19986 showing land proposed to be irrigated under application A-19536.
3. Construction has been completed.

FINDINGS

1. On February 29, 2008, the Department approved map numbers 16579 and 16954 showing lands authorized to be irrigated from Calamus Reservoir under surface water appropriations A-17602, A-18290 and A-18392. At that time the Department proportionally allocated all of the water available for storage use within the Reservoir among these appropriations.
2. On July 15, 2014, the United States Bureau of Reclamation (Reclamation) approved the District's request to increase the number of acres authorized for irrigation by 533.8 acres.
3. On May 9, 2016, the jointly developed Lower Loup Natural Resources District (LLNRD) Integrated Management Plan (IMP) was adopted by Order of the Department. The surface water control included in the IMP establishes an annual limit on the expansion of surface water irrigated acres at a maximum of one-third of the amount the LLNRD allows for expansion of groundwater irrigated acres.
4. On October 27, 2016, the LLNRD board voted to approve 1,996 new groundwater irrigated acres for the 2017 calendar year. Therefore, additional acres are available for surface water development.
5. On February 6, 2017, the District filed in the Department Miscellaneous Petitions MIP-6102, MIP-6103 and MIP-6104, requesting the Department proportionally reallocate storage use grants for appropriations A-17602, A-18290 and A-18392 to accommodate the addition of 533.8 acres of land authorized for irrigation by Reclamation.

6. On February 17, 2017, the Department approved Miscellaneous Petitions MIP-6102, MIP-6103 and MIP-6104.

CONCLUSIONS

1. Storage use grants under appropriations A-17602, A-18290 and A-18392 should be reallocated to accommodate storage use under application A-19536.
2. The Department has determined that additional acres are available for surface water development for the 2017 calendar year. Therefore, application A-19536 should be approved.

ORDER

IT IS HEREBY ORDERED that application A-19536 and map number 19986 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-19536 as depicted on map number 19986 which is made a part of this Order.

<u>Township 18 North, Range 13 West of the</u>	
<u>6th P.M. in Valley County</u>	
<u>Acres</u>	

Section 34:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.8
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.3

<u>Township 15 North, Range 09 West of the</u>	
<u>6th P.M. in Howard County</u>	
<u>Acres</u>	

Section 07:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.0
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.0

<u>Township 15 North, Range 08 West of the</u>	
<u>6th P.M. in Merrick County</u>	
<u>Acres</u>	

Section 07:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>22.2</u>

TOTAL		56.0
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2. Appropriation A-19536 has a priority date of June 5, 2017, and authorizes the appropriator the use of 168.0 acre-feet annually from Calamus Reservoir (storage appropriation A-9517) from a point of diversion located at the headgate of the Mirdan Canal in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 06, Township 21 North, Range 16 West of the 6th P.M. in Garfield County.

3. The appropriation for storage in Calamus Reservoir is:

Appropriation Number	Priority Date	Source	Use	Grant in Acre-Feet	Acre-Feet Available for Irrigation Use ¹
A-9517	6/17/1957	Calamus River	ST	129,400.0	99,754.0 ¹

4. The irrigation appropriations from Calamus Reservoir before and after this Order are described as follows:

Appropriation Number	Priority Date	Source	Use	Acres	Grant Prior to this Order	Grant After this Order
A-17602	7/23/1997	Calamus Reservoir	SI ²	31,433.9	56,386.5	56,290.8
A-18290	3/18/2005	Calamus Reservoir	SI	23,487.6	42,141.1	42,069.5
A-18392	4/25/2006	Calamus Reservoir	SI	194.7	395.7	395.0
A-19425	3/25/2016	Calamus Reservoir	SO ³	143.9	431.7	431.7
A-19472	10/11/2016	Calamus Reservoir	SO	133.0	399.0	399.0
A-19536	6/5/2017	Calamus Reservoir	SO	56.0		168.0
			Total	55,449.1	99,754.0	99,754.0

5. Appropriation A-19536 will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 168.0 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 19986 may be irrigated under appropriation A-19536.

¹ Water available for storage use under A-9517; 129,400 acre-feet (af) less 817 af dead storage, less 23,829 af inactive storage, less water appropriated under A-16733, (5,000 af) equals 99,754 af

² 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 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.

³ SO Storage Only. Irrigation from storage water only.

7. 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.
8. The appropriator must comply with the following deadlines:
 - A. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19536 must be beneficially used by September 1, 2020.
 - B. After September 1, 2020, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19536.

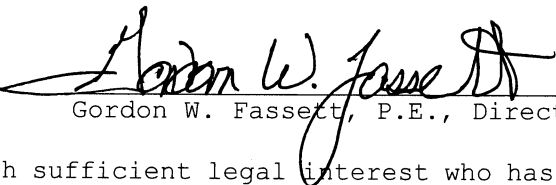
ADDITIONAL INFORMATION

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

August 24, 2017


Gordon W. Fassett, 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 map number 19986 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 19986 and Surface Water Administration brochure were mailed on August 24, 2017, to the following:

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