

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-1958 FOR WATER APPROPRIATION A-3287

AND NON-EXPEDITED TRANSFER NEX-1960 FOR WATER APPROPRIATION A-3835A

WATER USE CONTRACT 786

WATER DIVISION 1-B

Background

1. Records on file in the Department of Natural Resources (Department) show that appropriations A-3287 and A-3835A are held by Opal E. Crow.
2. Appropriation A-3287 has a priority date of October 9, 1940, and authorizes the use of water for irrigation of 59.1 acres of land described below. The water may be diverted from Medicine Creek at points of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, both in Township 7 North, Range 27 West of the 6th P.M. in Frontier County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 257 acres irrigated at a maximum combined rate of 0.23 cfs (103 gallons per minute) from all points of diversion.

<u>Township 7 North, Range 27 West of the</u>		
<u>6th P.M. in Frontier County</u>		<u>Acres</u>
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.7
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.9
Section 18:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>31.5</u>
	TOTAL	59.1

3. Appropriation A-3835A has a priority date of May 19, 1945, and authorizes the use of water for irrigation of 59.1 acres of land described above. The water may be diverted from Medicine Creek at points of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, both in Township 7 North, Range 27 West of the 6th P.M. in Frontier County. The rate that water may be diverted shall not exceed one cfs for every 110 acres irrigated at a maximum combined rate of 0.54 cfs (242 gallons per minute) from all points of diversion.
4. On July 29, 2010, Opal E. Crow filed application NEX-1958 and NEX-1960, which is authorized under the provisions of *Neb. Rev. Stat. § 46-290(5)* and *457 Neb. Admin. Code Chapter 9.002.01*, and requested a temporary change of use and location of use of water for appropriations A-3287 and A-3835A to meet the requirements for participation in the Nebraska Platte-Republican Resources Area Conservation Reserve Enhancement

Program (CREP). The CREP contract is pursuant to an agreement between the State of Nebraska and U.S. Department of Agriculture Commodity Credit Corporation. Opal E. Crow desires to participate in CREP and has CREP Water Use Contract 786 in which Opal E. Crow agrees not to irrigate specific land for a specific period of time. Under provisions of Neb. Rev. Stat. § 46-294(1) (e) (Reissue 2004), only the historic consumptive use may be transferred to the new use and location of use. The Department has determined the amount of historic consumptive use of surface water for these acres to be as follows, not to exceed a combined total of 60.09 acre-feet per annum:

<u>Month</u>	<u>A-3287</u> <u>CFS</u>	<u>A-3835A</u> <u>CFS</u>	<u>Total</u> <u>CU</u>
June	0.06	0.14	0.20
July	0.12	0.27	0.39
August	0.12	0.27	0.39

5. The Department has reviewed applications NEX-1958 and NEX-1960 and other pertinent information and determined that the transfer requests meet all necessary requirements for approval pursuant to Neb. Rev. Stat. § 46-294(1) and all other applicable laws and regulations.

Order

IT IS HEREBY ORDERED:

1. Applications NEX-1958 and NEX-1960 for a permit for a non-expedited transfer of the use and location of use are APPROVED.
2. Opal E. Crow entered into CREP Water Use Contract 786 with the Department and a CREP Contract with the U.S. Department of Agriculture (hereinafter collectively referred to as "the Contracts") agreeing not to use appropriations A-3287 and A-3835A for irrigation in accordance with the terms of the Contracts.
3. Appropriation A-3287 through NEX-1958 shall be a flow augmentation appropriation for the amount of water shown below, not to exceed 18.03 acre-feet per annum, for meeting the purposes of the CREP goals.

<u>Month</u>	<u>CFS</u>
June	0.06
July	0.12
August	0.12

4. Appropriation A-3835A through NEX-1960 shall be a flow augmentation appropriation for the amount of water shown below, not to exceed 42.06 acre-feet per annum, for meeting the purposes of the CREP goals.

<u>Month</u>	<u>CFS</u>
June	0.14
July	0.27
August	0.27

5. The location of use shall be downstream of the current point of diversion to the point where the Republican River crosses the Nebraska/Kansas state line.
6. This temporary use began on March 1, 2007, and is effective through September 30, 2021. After this date appropriations A-3287 and A-3835A shall automatically revert back to its previous use and location of use.
7. The following described land shall not be irrigated during the term of this temporary permit:

<u>Township 7 North, Range 27 West of the</u>		
<u>6th P.M. in Frontier County</u>		<u>Acres</u>
Section 17:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.7
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.9
Section 18:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>31.5</u>
	TOTAL	59.1

DEPARTMENT OF NATURAL RESOURCES

October 13, 2010


 Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Cambridge, Nebraska. A copy of this Order was mailed on October 13, 2010, to the following:

Opal Crow
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 Cheyenne, Wyoming 82001

Leon Buker
 PO Box 17
 Stockville, Nebraska 69042