

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1711 FOR WATER APPROPRIATION A-5218,
AND EXPEDITED TRANSFER EXT-1710 FOR WATER APPROPRIATION A-10620

WATER DIVISION 2-C

Background

1. Surface water appropriation A-5218 is held by the Ainsworth Irrigation District (District).
2. Surface water appropriation A-10620 is held by the U.S. Bureau of Reclamation (Reclamation).
3. Appropriation A-5218 has a priority date of March 26, 1953, and authorizes the use of water for irrigation of 34,659 acres of land. The water may be diverted from the Snake River via the headgate of the Ainsworth Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 31 North, Range 30 West of the 6th P.M. in Cherry County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every seventy acres irrigated, at a maximum rate of 495.14 cfs (222,219 gallons per minute).
4. Appropriation A-10620 has a priority date of April 22, 1965, and authorizes the use of water for supplemental irrigation of 34,659 acres of land approved for irrigation under natural flow appropriation A-5218. The water may be diverted from Merritt Reservoir, storage appropriation A-9660, via the headgate of the Ainsworth Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 31 North, Range 30 West of the 6th P.M. in Cherry County. The amount of water that may be diverted shall not exceed the amount limited by Nebraska Statutes during the twelve-month period ending September 30th of any year.
5. Application EXT-1711 for a permit for an expedited transfer of the location of use was filed by the District and individual landowners requesting a transfer of 105 acres authorized to be irrigated under appropriation A-5218.
6. Application EXT-1710 for a permit for an expedited transfer of the location of use was filed by Reclamation and individual landowners requesting a transfer of 105 acres authorized to be irrigated under appropriation A-10620.

Order

IT IS HEREBY ORDERED:

1. Applications EXT-1710 and EXT-1711 for a permit for an expedited transfer of the location of use are APPROVED.
2. The 105 acres that will no longer be authorized for irrigation under appropriations A-5218 through transfer EXT-1711 and A-10620 through transfer EXT-1710 are described below.

<u>Township 31 North, Range 23 West of the</u>	
<u>6th P.M. in Brown County</u>	
	<u>Acres</u>
Section 26: SW $\frac{1}{4}$ SE $\frac{1}{4}$	8
Section 32: SE $\frac{1}{4}$ NW $\frac{1}{4}$	3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10
<u>Township 30 North, Range 22 West of the</u>	
<u>6th P.M. in Brown County</u>	
	<u>Acres</u>
Section 1: SE $\frac{1}{4}$ NW $\frac{1}{4}$	32
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17
Section 14: NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>35</u>
TOTAL	105

3. The 105 acres that are now authorized for irrigation under appropriations A-5218 through transfer EXT-1711 and A-10620 through transfer EXT-1710 are described below.

<u>Township 31 North, Range 23 West of the</u>	
<u>6th P.M. in Brown County</u>	
	<u>Acres</u>
Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$	23
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16
SE $\frac{1}{4}$ NE $\frac{1}{4}$	7
<u>Township 31 North, Range 21 West of the</u>	
<u>6th P.M. in Brown County</u>	
	<u>Acres</u>
Section 22: NW $\frac{1}{4}$ NE $\frac{1}{4}$	5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8
<u>Township 30 North, Range 22 West of the</u>	
<u>6th P.M. in Brown County</u>	
	<u>Acres</u>
Section 1: NW $\frac{1}{4}$ NW $\frac{1}{4}$	19
SW $\frac{1}{4}$ NW $\frac{1}{4}$	2

Township 30 North, Range 20 West of the
6th P.M. in Brown County Acres

Section 18: SW $\frac{1}{4}$ NE $\frac{1}{4}$	2
NW $\frac{1}{4}$ SE $\frac{1}{4}$	9
TOTAL	105

4. Appropriation A-5218 through transfer EXT-1711 authorizes the use of water to irrigate the 34,659 acres of land described on Attachment A, which is made a part of this Order. The water may be diverted from the Snake River via the headgate of the Ainsworth Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 31 North, Range 30 West of the 6th P.M. in Cherry County. The rate that water may be diverted shall not exceed one cfs for every seventy acres irrigated, at a maximum rate of 495.14 cfs (222,219 gallons per minute). The total volume shall not exceed 3 acre-feet per irrigated acre per year.

5. Appropriation A-10620 through transfer EXT-1710 authorizes the use of water for supplemental irrigation of 34,659 acres of land included under A-5218 through transfer EXT-1711 as described on Attachment A, which is made a part of this Order. The water may be diverted from Merritt Reservoir, storage appropriation A-9660, via the headgate of the Ainsworth Canal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 31 North, Range 30 West of the 6th P.M. in Cherry County. The amount of water diverted shall not exceed the amount limited by Nebraska statutes during the twelve-month period ending September 30th of any year.

6. All terms and conditions of appropriation A-5218 remain in effect unless specifically changed by this Order.

7. All terms and conditions of appropriation A-10620 remain in effect unless specifically changed by this Order.

8. A map must be filed in the office of the Department by six months past the signing date of this application approval, prepared according to Department rule 457 N.A.C. 10.

9. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - a. 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 and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

