

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

DENIAL OF PETITION RLP-1721 TO ADD A SECOND LOCATION OF DIVERSION FOR

WATER APPROPRIATION A-3869DR

WATER DIVISION 1-B

Background

1. Records on file in the Department of Natural Resources (Department) show that appropriation A-3869DR is held by Frenchman Cambridge Irrigation District.
2. Appropriation A-3869DR has a priority date of April 3, 1946, and authorizes the use of water for irrigation of 6,353 acres of land. The water may be diverted from the Republican River through the headgate of the Bartley Canal located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 3 North, Range 27 West of the 6th P.M. in Red Willow County. The rate that water may be diverted shall not exceed 62.3 cfs (27,960 gallons per minute).
3. On September 3, 2009, Brad Edgerton, on behalf of Frenchman Cambridge Irrigation District, filed in the Department petition RLP-1721 for a permit to add a second location of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 4 North, Range 25 West of the 6th P.M. in Furnas County for appropriation A-3869DR.
4. Nebraska Revised Statutes Section 46-250 allows the owner of any ditch, storage reservoir, storage capacity, or other device for appropriating water to petition the Department for a change of the point at which the water under any water appropriation of record is diverted from a natural stream or reservoir.
5. Nebraska Administrative Code (NAC) Title 457, Chapter 6, Section 002, requires that the requested change shall not adversely affect any other water appropriator.
6. A review of the Department's records indicates that approximately twelve appropriators, who hold approximately twenty appropriations, would be subject to closing notices should the Frenchman Cambridge Irrigation District call for water administration for Bartley Canal, if RLP-1721 were to be approved.
7. The Department has determined that petition RLP-1721 does not meet the conditions of NAC Title 457, Chapter 6, Section 002, and should be denied.

Order

IT IS HEREBY ORDERED:

1. Petition RLP-1721 for a permit to add a second location of diversion to appropriation A-3869DR is DENIED.

DEPARTMENT OF NATURAL RESOURCES

April 12, 2010


Brian P. Dunnigan, 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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, 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. A copy of this Order was provided to the Department's field office in Cambridge, Nebraska. A copy of this Order was mailed on April 12, 2010, to the following:

Brad Edgerton, Manager
Frenchman Cambridge Irrigation District
PO Box 116
Cambridge, Nebraska 69022