

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-1720 TO CHANGE THE LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-6225K

WATER DIVISION 1-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show surface water appropriation A-6225K is held by the Bureau of Reclamation (Reclamation).
2. Appropriation A-6225K has a priority date of April 16, 1954, and provides supplemental water for irrigation from storage impounded in Enders, Harry Strunk, Harlan County, Swanson and Hugh Butler Reservoirs to land under natural flow appropriations A-3869DR, A-6217, A-10196, A-11042, A-11920, A-13229, A-14179 and A-15803. The water is measured at the headgate of the Bartley Canal located on the right bank of the Republican River in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, Township 3 North, Range 27 West of the 6<sup>th</sup> P.M. in Red Willow County. Pursuant to Neb. Rev. Stat. § 46-2,122(b), the water allotment on the receiving tract of land will not exceed the amount that can be beneficially used for the purposes for which the appropriation was made and will not exceed the least amount of water that experience may indicate is necessary, in the exercise of good husbandry, for the production of crops.
3. On September 3, 2009, Reclamation filed petition RLP-1720 in the Department for a permit to add a second location of diversion for appropriation A-6225K.
4. Notice of relocation petition RLP-1720 was given. Objections were filed on January 13, 2010, but subsequently withdrawn on June 28, 2010. Therefore, it is concluded after review of the information provided and the Department's records that the proposed addition of a second location of diversion will not adversely affect any other water appropriator.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-1720 for a permit to add a second location of diversion is APPROVED.
2. Appropriation A-6225K through petition RLP-1720 is now A-6225KR.

3. Appropriation A-6225KR authorizes the use of water to provide supplemental water from storage impounded in Enders, Harry Strunk, Harlan County, Swanson and Hugh Butler Reservoirs to irrigate 6,353 acres of land. The water may be measured at 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 6<sup>th</sup> P.M. in Red Willow County and at the headgate of the Cambridge Canal located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 27, Township 4 North, Range 25 West of the 6<sup>th</sup> P.M. in Furnas County. Pursuant to Neb. Rev. Stat. § 46-2,122(b), the water allotment on the receiving tract of land will not exceed the amount that can be beneficially used for the purposes for which the appropriation was made and will not exceed the least amount of water that experience may indicate is necessary, in the exercise of good husbandry, for the production of crops.
4. Appropriation A-6225KR provides additional water to land approved for irrigation under appropriations A-3869DR, A-6217, A-10196, A-11042, A-11920, A-13229, A-14179 and A-15803.
5. All terms and conditions of appropriation A-6225K remain in effect unless specifically changed by this Order.
6. The appropriator must comply with the following deadlines.
  - A. Construction of the structure must begin within five years of the signing date of this application approval.
  - B. Reclamation must notify the Department when construction has begun.
  - C. Once construction of the diversion works and pipeline has begun, it must be completed within twelve months.
  - D. A map must be filed in the office of the Department within six months of completion of the second location of diversion and installation of the pipeline showing the diversion works, point of withdrawal, delivery system, point of discharge into Barley Canal and land to be served under appropriation A-6225KR.
  - E. Failure to meet any construction deadline or to file, in a timely manner, for an extension of time will result in revocation of authorization to utilize the second location of diversion.

#### 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 cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

August 26, 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 *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> 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 August 26, 2010, to the following:

Aaron Thompson, Area Manager  
Bureau of Reclamation  
PO Box 1607  
Grand Island, Nebraska 68802-1607

Brad Edgerton, Manager  
Frenchman-Cambridge Irrigation  
District  
PO Box 116  
Cambridge, Nebraska 69022-0116