

Ann Diers

From: Ann Diers [adiers@dnr.state.ne.us]
Sent: Friday, January 13, 2006 4:36 PM
To: Susan France (sfrance@dnr.state.ne.us); Ann Bleed (ableed@dnr.state.ne.us); Ann Diers (adiers@dnr.state.ne.us); Brian Barels (blbare1@nppd.com); Dennis Strauch (dstrauch@earthlink.net); Don Kraus (dkraus@cnppid.com); Steve Gaul (sgaul@dnr.state.ne.us); 'Tom Schwarz'; 'Dave Sands'; 'Frank Albrecht'; 'James Nelson'; 'Larry Hutchinson'; 'Steve Huggenberger'
Subject: DNR Form 962-3 - 1-05-06-ApplicationForAPermitForAnExpeditedTransferOfTheLocationOfUse-Appendix K.doc

Good afternoon:

Attached is the draft of a Department of Natural Resources Form for a Permit for an Expedited Transfer of the Location of Use. This goes with the Rule that you have already reviewed and approved.

The other Form is pursuant to your request to have one form for irrigation to irrigation transfers by irrigation districts. This form has not been fully reviewed by DNR, but we felt it would be appropriate to get it out to this group for discussion at our meeting on Tuesday at 9:30 in Kearney.

If you have any questions, please pass them along to Ann Bleed or Susan France.

Thanks.

Ann

1/13/2006

DNR 014160

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A NON-EXPEDITED CHANGE OF LOCATION OF USE

FROM IRRIGATION TO IRRIGATION WITHIN AN IRRIGATION DISTRICT/RECLAMATION DISTRICT, PUBLIC POWER AND IRRIGATION DISTRICT OR MUTUAL CANAL OR IRRIGATION COMPANY

FOR DEPARTMENT USE ONLY

1. Name and Address of Appropriator of Record:

Filed in the office of the Department of Natural Resources
at _____ a.m./p.m.
on _____, 20____
Transfer No. _____
Map No. _____
Water Division _____
Receipt No. _____ Amount _____

Zip Code _____ Telephone Number (_____) _____
Cell Phone Number (_____) _____
e-mail address _____

2. List the water appropriation number that this application proposes to modify: _____

3. List the current use: _____

4. The legal description of the land to which the appropriation is now appurtenant*:

SEC.	TWP.	RANGE	NW¼				NE¼				SW¼				SE¼				TOTALS			
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼				
Total:																						

5. Proposed Location of use:
The legal description of the land where water will be used after the proposed change*:

SEC	TWP.	RANGE	NW¼				NE¼				SW¼				SE¼				TOTALS				
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼					
Total:																							

*Additional sheets may be obtained from the Department.

6. Amount of water appropriation proposed to be changed to a new location of use:
Rate Cubic feet per second Annual Volume acre-feet

7. Are there other sources of available water at the current location of use?

NO YES

If yes, describe and state whether any provisions have been made to prevent the use of a new source or increased use from an existing source:

8. Are there other sources of available water at the **proposed** location of use? NO YES
If yes, describe and state whether any provisions have been made to prevent the use of a new source or increased use from an existing source:

9. If the proposed transfer is for purpose of increasing the quantity of water available for use pursuant to another appropriation, what is the other water appropriation: _____

10. Name and address of each mortgage holder or deed of trust holder for land now under permit (If more than one, please use DNR form 962-4). _____

Zip Code _____ Telephone Number (____) _____
Cell Phone Number (____) _____
e-mail address: _____

11. For lands listed in 5 above, check all boxes that apply:
 All lands have been cultivated Some of the lands have been cultivated
 The lands contain no native grass None of the lands have been cultivated

12. The **present** point of diversion is or identified as follows:
 Pump Headgate of _____
Stream: _____
_____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ E W _____ County

13. If applicable, the **proposed** point of diversion is identified as follows:
 Pump Headgate of _____
Stream: _____
_____ ¼ _____ ¼ Section _____ Township _____ North, Range _____ E W _____ County

14. This is a request for:
 Permanent Change
 Temporary Change
a. If no lessee involved, state proposed duration: _____ Years.
b. If lessee involved, attach copy of lease agreement.

15. Provide attachments:
a. If this application proposes a change in the point of diversion, describe any anticipated adverse impacts on other water right holders or ground water users, and the proposed mitigation plan for such described impacts.
b. Current aerial photographs marked to show lands described in number 4 and lands described in number 5 above.
c. The names, addresses and signatures of the landowners who own land described in paragraph 4 shall be submitted on DNR Form 962-6 with this application indicating they agree to have the water appropriation transferred off their land.
d. Provide certification (DNR Form 962-16) from the landowners(s) that water under the appropriation has been used to irrigate all the lands within the last five years, or that excusable reasons as specified in Neb. Rev. Stat. § 46-229.04 (Reissue 2004) apply. Be specific as to all lands in number 4 above.
e. If the application requests a change in location of use for incidental underground water storage outside the approved boundary, provide sufficient hydrologic information to identify the extent and scope of the underground water storage and naturally occurring ground water, including but not limited to the information described in Department rules 457 N.A.C. 16.002.03A-H.

16. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate.

Date _____

Signature of Appropriator of Record _____

State of Nebraska
Department Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska 68509
(402) 471-2363

DRAFT

**STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES**

APPLICATION FOR A PERMIT FOR AN EXPEDITED TRANSFER OF THE LOCATION OF USE

INSTRUCTIONS: See DNR Form 962-5

FOR DEPARTMENT USE ONLY

1. Name and address of appropriator of record:

Filed in the office of the Department of Natural Resources

at _____ a.m./p.m.

on _____, 20____

Transfer No. _____

Map No. _____

Water Division _____

Receipt No. _____ Amount _____

Zip Code _____ Telephone Number (____) _____

Cell Phone Number (____) _____

e-mail address: _____

2. Name and address of each mortgage holder or deed of trust holder for land now under permit:
(If more than one, please use DNR form 962-4)

Zip Code _____ Telephone Number (____) _____

Cell Phone Number (____) _____

e-mail address: _____

3. For rights not held in the name of an irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company, the names, addresses and titles of tenants and other persons who should receive water administration notices during times of shortage concerning this appropriation. If the appropriator is not the landowner, the landowner must be listed here and must sign the application. (If more than one, please use DNR form 962-7.)

Zip Code _____ Telephone Number (____) _____

Cell Phone Number (____) _____

e-mail address: _____

Check one:

- Landowner Tenant Farm Manager Power of Attorney Other _____

4. List the water appropriation number that this application proposes to modify: _____

5.A. The present point of diversion is identified as follows:

- Pump Headgate of _____

____ ¼ ____ ¼ Section ____ Township ____ North, Range ____ East/West, ____ County

B. This transfer will result in a change in the point of diversion Yes No

6. Amount of water requested to be transferred: Rate _____ Total Annual Volume _____

7. Are there other sources of water available at the original location of use? Yes No

If Yes, describe and state whether any provisions have been made to prevent the use of a new source or increased use from an existing source.

8. Legal description of land currently under permit*:

SEC.	TWP.	RANGE	NW¼				NE¼				SW¼				SE¼				TOTALS
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	

TOTAL: _____

*Additional sheets may be obtained from the Department.

9. Legal description of land where water will be used after proposed transfer*:

SEC.	TWP.	RANGE	NW¼				NE¼				SW¼				SE¼				TOTALS
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	

TOTAL: _____

*Additional sheets may be obtained from the Department.

10. For lands listed in 9 above, check all the boxes that apply:

- All lands have been cultivated
- Some of the lands have been cultivated
- The lands contain no native grass
- None of the lands have been cultivated

11. All lands listed for paragraphs 8 and 9 are under the same ownership or within the same irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company? Yes No

12. Water has been diverted under the appropriation at some time during the last five years to irrigate the same number of acres or more acres than the number of acres proposed to be irrigated after the transfer. YES NO

If no, and lands have been enrolled in a government program, provide documentation of the enrollment. (If Applicant is a district or an irrigation or canal company, a separate certificate-DNR Form 962-?-must be completed and signed by each landowner owning lands described in paragraph 8.)

13. Current use permitted (check one):

- Irrigation
- Irrigation and Incidental

14. This is a (check one):

- Permanent Transfer
 - Temporary Transfer If Temporary Transfer, indicate proposed duration of transfer _____ Years
- If lessee involved, attach copy of lease agreement.

15. All facilities used are owned or operated by the applicant.

- Yes
- No If No, provide documentation that the owner or operator of the facilities agrees to transfer.

16. If the proposed transfer is for increasing the quantity of water available for use pursuant to another appropriation, what is the other water appropriation? _____

17. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief such information is true, complete and accurate.

DATE: _____

SIGNATURE OF APPROPRIATOR OF RECORD _____

A non-refundable filing fee of \$10 payable to the Department of Natural Resources must accompany this form. Mail to:

State of Nebraska
 Department of Natural Resources
 301 Centennial Mall South
 P.O. Box 94676
 Lincoln, Nebraska 68509
 (402) 471-2363



FAX TRANSMISSION

STATE OF NEBRASKA
Department of Natural Resources
P.O. Box 94676
Lincoln, Nebraska 68509-4676
Phone: (402) 471-2363
Fax: (402) 471-2900

Date: January 13, 2006 Pages: 6 including cover
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