

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION MIP-2062

MINATARE MUTUAL CANAL AND IRRIGATION COMPANY

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation Docket D-919 is held by the Minatare Mutual Canal and Irrigation Company. Docket D-919 is an appropriation with a priority date of January 14, 1888, to divert 95.94 cubic feet per second (cfs) of water for irrigation, and 20.06 cfs of water for incidental underground storage. This water is diverted from the North Platte River into the Minatare Canal at a point of diversion in Section 32, Township 22 North, Range 54 West of the 6th P.M. in Scotts Bluff County, to irrigate 6,715.6 acres of land.
2. On March 14, 2011, pursuant to *Neb. Rev. Stat. § 46-250*, Dan Weinreis (Petitioner), President of the Minatare Mutual Canal and Irrigation Company, filed in the Department petition MIP-2062 for approval of a change in the water delivery route of 2.46 cfs of water under Docket D-919. The Petitioner is requesting approval to utilize a section of a canal belonging to the Nine Mile Irrigation District that crosses the Minatare Canal for delivery of water. The Petitioner proposes to divert 2.46 cfs of water from the Minatare canal into the Nine Mile Irrigation District's Nine Mile Canal, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 21 North, Range 53 West of the 6th P.M. in Scotts Bluff County for delivery to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Township 21 North, Range 53 West of the 6th P.M. in Scotts Bluff County to irrigate 172 acres under Docket D-919.
3. The Petitioner has provided to the Department copies of conveyance agreements for this arrangement between the Patron, Alan Fyfe, and both the Minatare Mutual Canal and Irrigation Company and the Nine Mile Irrigation District.

ORDER

IT IS HEREBY ORDERED:

1. Petition MIP-2062 is GRANTED.
2. Minatare Mutual Canal and Irrigation Company is allowed to spill 2.46 cfs of water into Nine Mile Canal in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 21 North, Range 53 West of the 6th P.M. in Scotts Bluff County and the same amount of water, or less, will be withdrawn in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 21 North, Range 53 West of the 6th P.M. in Scotts Bluff County, for irrigation of 172 acres under Docket D-919.

3. All terms and conditions of appropriation D-919 remain in effect unless specifically changed by this order.
4. Within six months of the date of this order, the appropriator must file with the Department a map showing the location of the diversion structure from Minatare Canal into Nine Mile Canal and where the water will exit the Nine Mile Canal.
5. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. 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, 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

May 10, 2011


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 Bridgeport, Nebraska. A copy of this Order was mailed on May 10, 2011, to the following:

Minatare Mutual Canal & Irrigation Company
290151 Cattle Drive
Minatare, Nebraska 69356

Nine Mile Irrigation District
P.O. Box 597
Bayard, Nebraska 69334-0597