

Upper Elkhorn Natural Resources District



301 North Harrison Street
O'Neill, NE 68763
402-336-3867
fax 402-336-1832

Transfer of Ground Water Irrigated Acres

Criteria for the Transfer of Ground Water Irrigated Acres

1. Ground water irrigated acres being requested to be transferred must be certified first and the transfer paperwork must be completed at the Upper Elkhorn NRD office.
2. Things to check for acre transfer before coming to office:
 - a. The certified ground water irrigated acres being transferred must be from the same USDA/NRCS 10-Digit Hydrologic Unit Code (HUC) and must be in the same Lower Platte or Lower Niobrara River Basin 10/50 area. Exceptions include:
 - i. Transfers within the two mile border of a HUC can be transferred within the two mile border of the adjoining HUC.
 - ii. Transfers will not be allowed to be transferred within the two mile border of an adjoining HUC if that HUC is showing a ground water decline of more than three feet based on the 20-year trend line.
 - b. The area outside of the Lower Platte River Basin 10/50 area which includes parts of Antelope and Holt County can be transferred between these two areas but must be part of the same USDA/NRCS 10-Digit Hydrologic Unit Code. (Exceptions are made as defined in 2; a-i and a-ii.)
 - c. Stream depletion factor must be higher in the certified ground water irrigated acres being transferred than the land being transferred to.
 - d. Web Soil Survey Classification Points – Irrigation capability class will be determined on an area weighted average of each land classification by utilizing the USDA-NRCS Web Soil Survey Program. New acres must be equal to or higher than the acres they are being transferred from.

Guidelines for the Transfer Ground Water Irrigated Acres

1. If more than four (4) ground water irrigated use acres are being transferred there must be a Title Search/Leinholders notification done and a copy provided to the UENRD due to Nebraska State Statutes 46-739.01 and 46-739.02
2. If required, the Upper Elkhorn NRD Leinholder Consent to Transfer form must be signed by the Leinholder.
3. UENRD Groundwater Irrigated Acre Transfer Agreement Form is to be filled out in NRD office. (All landowners involved will need to sign the agreement and it must be notarized in the Upper Elkhorn NRD office)
4. Appropriate fee must accompany the Transfer Application and will be based off of acre fee rates. Those rates are: 25 acres and less is \$125; otherwise, the fee is \$5.00 per acre. Landowners will also be responsible for the \$10.00 filing fees and the NRD representative will file Public Notice of GW Irrigated acres transferred form at the County Register of Deeds. (This will be filed in misc records of the Register of Deeds.)
5. Documents will be presented to the NRD Board for approval/denial at the next scheduled board meeting. If the application is approved by board, a well permit must be applied for if a new irrigation well is needed.
6. The person to whom the acres are to be transferred must re-certify the acres with the District as well as submit County Assessor or FSA 578 documentation that they are recorded as irrigated.
7. Irrigation wells that supplied water to ground water irrigated acres transferred must be decommissioned or converted to domestic use. (Livestock use is considered domestic use.) In the event there are no acres remaining to irrigate.
8. Transferred acres must be irrigated by October 1 of the next growing season following board approval and must remain on that legal description for a minimum of 5 years before being eligible to be transferred again.
9. The legal description which the groundwater irrigated acres were transferred from is not eligible to receive groundwater irrigated acres for the next 5 years. Expansion acres may not be used to replace transferred acres.