

# Upper Elkhorn Natural Resources District



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## 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 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 irrigation acres being transferred must be from the same USDA/NRCS 10-Hydrologic Unit Code and must be in the same Lower Platte or Lower Niobrara River Basin 10/50 area. Except as follows:
    - i. Transfers within the two mile border of a HUC are not to be transferred beyond two miles 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 and must be part of the same USDA/NRCS 10-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.

### Guidelines for the Transfer Ground Water Irrigated Acres

1. If more than four (4) ground water irrigation use acres are being transferred there must be a Title Search/Leinholders notification done and a copy provided 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 Ground water Irrigated Acre Transfer Agreement Form to be filled out in NRD office. (Both landowners will need to sign 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 NRD Board for approval/denial at next scheduled board meeting. After application is approved by board, must apply for well permit if needing new irrigation well.
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.)
8. Transferred acres must be irrigated within one year of board approval and must remain on that legal description for a minimum of 5 years before being transferred again.