

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER COMBINING APPROPRIATIONS A-12208 AND A-12208R,

CANCELLATION IN PART, APPROVAL OF EXPEDITED TRANSFER EXT-5370,

PETITION RLP-5450 AND MAP NUMBER 19231 FOR WATER APPROPRIATION A-12208

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12208 is held by the Galen E. and Gwendolyn M. Frenzen Revocable Trusts.
2. Appropriation A-12208 has a priority date of April 7, 1971, and authorizes the use of water for irrigation of the 74.5 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 17 North, Range 06 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.06 cfs.

Township 17 North, Range 06 West of the		
6 th P.M. in Nance County		Acres
Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.9
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26.4
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>33.7</u>
	TOTAL	74.5

3. Appropriation A-12208R has a priority date of April 7, 1971, and authorizes the use of water for irrigation of the 23.1 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 17 North, Range 06 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.33 cfs.

Township 17 North, Range 06 West of the		
6 th P.M. in Nance County		Acres
Section 33:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	18.3
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4.8</u>
	TOTAL	23.1

5. Appropriation A-12208R through transfer EXT-5370 authorizes the use of water to irrigate 95.6 acres of land described below and depicted on map number 19231, which is made a part of this Order. The water may be diverted from the Cedar River at points of diversion located in the NW¹/₄SE¹/₄ of Section 29 and the SE¹/₄NW¹/₄ of Section 33, both in Township 17 North, Range 06 West of the 6th P.M. in Nance County, as depicted on map number 19231. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.37 cfs from both points of diversion (615 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 17 North, Range 06 West of the 6 th P.M. in Nance County		Township 17 North, Range 06 West of the 6 th P.M. in Nance County	
	Acres		Acres
Section 28: SW ¹ / ₄ SW ¹ / ₄	8.3	Section 33: NW ¹ / ₄ NW ¹ / ₄	10.8
		NE ¹ / ₄ NW ¹ / ₄	17.7
Section 29: SE ¹ / ₄ SE ¹ / ₄	0.2	SW ¹ / ₄ NW ¹ / ₄	9.4
		SE ¹ / ₄ NW ¹ / ₄	21.3
Section 32: NE ¹ / ₄ NE ¹ / ₄	7.6		
SE ¹ / ₄ NE ¹ / ₄	20.3	TOTAL	95.6

6. All terms and conditions of appropriation A-12208 remain in effect unless specifically changed by this Order.

7. 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

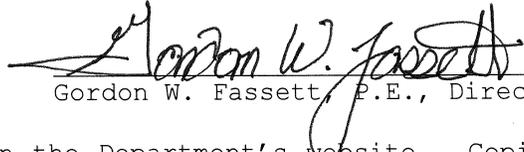
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

August 31, 2015


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19231 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19231 were mailed on August 31, 2015, to the following:

Galen E. and Gwendolyn M. Frenzen, Trustees
50802 North Edgewood Road
Fullerton, Nebraska 68638