

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5371 AND MAP NUMBER 19232

FOR WATER APPROPRIATION A-16752

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16752 is held by Galen E. and Gwendolyn M. Frenzen Revocable Trust.
2. Appropriation A-16752 has a priority date of March 10, 1989, and authorizes the use of water for irrigation of the 147.0 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 17 North, Range 06 West of the 6th P.M. in Nance County.

<u>Provides Additional Water to A-3071</u>		<u>Land Permitted at 1:70</u>	
<u>Township 17 North, Range 06 West of the 6th P.M., Nance County</u>		<u>Township 17 North, Range 06 West of the 6th P.M., Nance County</u>	
	<u>Acres</u>		<u>Acres</u>
Section 28: SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.1	Section 28: NW $\frac{1}{4}$ SW $\frac{1}{4}$	17.0
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0
Section 29: NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.0	Section 29: NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	26.8	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21.0
Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$	29.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.0</u>
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>14.1</u>		
TOTAL	74.0	TOTAL	73.0

3. Water diverted for the portion of A-16752 that provides additional water to A-3071, shall not exceed one cfs for every 140 acres irrigated at a maximum rate of 0.53 cfs.
4. Water diverted for the remaining portion of land authorized for irrigation under A-16752 shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.04 cfs.
5. On May 22, 2015, Galen E. and Gwendolyn M. Frenzen, Trustees of the Frenzen Revocable Trust, filed application EXT-5371 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-16752 and map number 19232 showing the land proposed to be irrigated under appropriation A-16752 through transfer EXT-5371.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5371 for a permit for an expedited transfer of the location of use and map number 19232 are APPROVED.
2. Appropriation A-16752 through transfer EXT-5371 authorizes the use of water to irrigate 147.0 acres of land described below and depicted on map number 19232, which is made a part of this Order. The water may be diverted from the Cedar River at a point of diversion located on the left bank of the stream in the NW¹/₄SE¹/₄ of Section 29, Township 17 North, Range 06 West of the 6th P.M. in Nance County, as depicted on map number 19232.

<u>Provides Additional Water to A-3071</u>		<u>Land Permitted at 1:70</u>	
<u>Township 17 North, Range 06 West of the 6th P.M., Nance County</u>		<u>Township 17 North, Range 06 West of the 6th P.M., Nance County</u>	
	<u>Acres</u>		<u>Acres</u>
Section 28: SW ¹ / ₄ SW ¹ / ₄	3.5	Section 28: NW ¹ / ₄ SW ¹ / ₄	16.9
		SW ¹ / ₄ SW ¹ / ₄	21.2
Section 29: NE ¹ / ₄ SE ¹ / ₄	1.1		
SE ¹ / ₄ SE ¹ / ₄	28.0	Section 29: SW ¹ / ₄ NE ¹ / ₄	8.6
Section 32: NE ¹ / ₄ NE ¹ / ₄	22.3	NW ¹ / ₄ SE ¹ / ₄	0.9
		NE ¹ / ₄ SE ¹ / ₄	21.6
Section 33: NW ¹ / ₄ NW ¹ / ₄	<u>19.1</u>	SE ¹ / ₄ SE ¹ / ₄	<u>3.8</u>
TOTAL	74.0	TOTAL	73.0

3. Water diverted for the portion of A-16752, through transfer EXT-5371, provides additional water to A-3071 through transfer EXT-5346 and shall not exceed one cfs for every 140 acres irrigated at a maximum rate of 0.53 cfs (238 gallons per minute).
4. The total combined volume of appropriations A-16752, through transfer EXT-5371, and A-3071, through transfer EXT-5346, may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
5. Water diverted for the remaining portion of land authorized for irrigation under A-16752 shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 1.04 cfs (467 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
6. All terms and conditions of appropriation A-16752 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

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19232 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19232 were mailed on August 31, 2015, to the following:

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