STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5488 AND MAP NUMBER 19220

FOR WATER APPROPRIATION A-3071

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3071 is held by the Galen E. and Gwendolyn M. Frenzen Revocable Trust.

2. Appropriation A-3071 has a priority date of January 8, 1940, and authorizes the use of water for irrigation of the 74.0 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 NW¼SE¼ of Section 29, 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 140 acres irrigated at a maximum rate of 0.53 cfs.

Township 17 North, Range 06 West of the 6th P.M. in Nance County		Acres
Section 28:	SW¼SW¼	3.1
Section 29:	NE¼SE¼	1.0
	SE¼SE¼	26.8
Section 32:	NE¼NE¼	29.0
	SE¼NE¼	14.1
	TOTAL	74.0

3. Appropriation A-16752 provides additional water to land approved for irrigation under appropriation A-3071.

4. On May 22, 2015, Galen E. and Gwendolyn M. Frenzen, Trustees of the Frenzen Revocable Trust, filed application EXT-5488 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3071 and map number 19220 showing the land proposed to be irrigated under appropriation A-3071 through transfer EXT-5488.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5488 for a permit for an expedited transfer of the location of use and map number 19220 are APPROVED.

2. Appropriation A-3071 through transfer EXT-5488 authorizes the use of water to irrigate 74.0 acres of land described below and depicted on map number 19220, 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 NW¼SE¼ of Section 29, Township 17 North, Range 06 West of the 6th P.M. in Nance County, as depicted on map number 19220. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.53 cfs (238 gallons per minute).

Township 17 North, Range 06 West of the 6th P.M. in Nance County		Acres
Section 28:	SW¼SW¼	3.5
Section 29:	NE¼SE¼	1.1
	SE¼SE¼	28.0
Section 32:	NE¼NE¼	22.3
Section 33:	NW¼NW¼	19.1
	TOTAL	74.0

3. Appropriation A-16752 through transfer EXT-5371 provides additional water to land approved for irrigation under appropriation A-3071 through transfer EXT-5346. The combined total volume of both appropriations 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.

4. All terms and conditions of appropriation A-3071 remain in effect unless specifically changed by this Order.

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.

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 19220 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19220 were mailed on August 31, 2015, to the following:

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