

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5146 FOR WATER APPROPRIATION A-16110A

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16110A is held by Randall J. and Karen L. Fendrich.
2. Appropriation A-16110A has a priority date of May 25, 1982, and authorizes the use of 26.82 acre-feet of water from Deer Creek Reservoir (storage appropriation A-15726) at a point of diversion located on the south bank of the reservoir in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 15 North, Range 2 East of the 6th P.M. in Butler County, for irrigation of the 70.8 acres of land described below.

<u>Township 15 North, Range 2 East of the</u>		
<u>6th P.M. in Butler County</u>		<u>Acres</u>
Section 11:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.0
Section 14:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14.7
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>13.1</u>
	TOTAL	70.8

3. On August 27, 2014, Randall J. Fendrich filed application EXT-5146 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-16110A.
4. On September, 24, 2014, Randall J. Fendrich filed map number 19059 showing the land proposed to be irrigated under appropriation A-16110A through transfer EXT-5146.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5146 for a permit for an expedited transfer of the location of use and map number 19059 are APPROVED.

2. Appropriation A-16110A through transfer EXT-5146 authorizes the use of 26.82 acre-feet annually from Deer Creek Reservoir (storage appropriation A-15726) at a point of diversion located on the south bank of the reservoir in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 15 North, Range 2 East of the 6th P.M. in Butler County, for irrigation of the 70.8 acres of land described below and depicted on map number 19059, which is made a part of this Order.

<u>Township 15 North, Range 2 East of the</u>		
<u>6th P.M. in Butler County</u>		<u>Acres</u>
Section 11:	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.4 16.9
Section 14:	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.3 <u>11.2</u>
TOTAL		70.8

3. All terms and conditions of appropriation A-16110 and A-16110A remain in effect unless specifically changed by this Order.
4. 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.

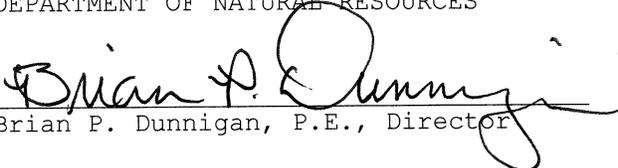
ADDITIONAL INFORMATION

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.

DEPARTMENT OF NATURAL RESOURCES

November 21, 2014


Brian P. Dunnigan, 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 19509 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19059 were mailed on November 21, 2014, to the following:

Randall J. and Karen L. Fendrich
2390 Road 41
Linwood, NE 68036