

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5120 FOR WATER APPROPRIATION A-17369A

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17369A is held by Robert J. and Susan M. Malander.
2. Appropriation A-17369A has a priority date of May 12, 1994, and authorizes the use of water for irrigation of the 48.3 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 18 North, Range 7 West of the 6th P.M. in Boone County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 0.34 cfs from all points of diversion.

Township 18 North, Range 7 West of the
6th P.M. in Boone County Acres

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|---|------------|
| Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 27.0 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 0.3 |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 20.0 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | <u>1.0</u> |
| TOTAL | 48.3 |

3. Appropriation A-17369A provides additional water to land approved for irrigation under appropriation A-3233.
4. On July 30, 2014, Robert J. Malander, on behalf of Susan Malander and himself, filed application EXT-5120 for a permit for an expedited transfer of the location of use for 43.2 of the 48.3 acres under surface water appropriation A-17369A and map number 18921 showing the land proposed to be irrigated under appropriation A-17369A through transfer EXT-5120.
5. On July 30, 2014, Robert J. Malander and Susan M. Malander filed REL-5121 relinquishing a portion of the water under appropriation A-17369A, for use on the land described below.

Township 18 North, Range 7 West of the
6th P.M. in Boone County Acres

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| Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 5.1 |
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ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-17369A at the rate of 0.03 cfs is CANCELLED for use on the land described below.

Township 18 North, Range 7 West of the
6th P.M. in Boone County Acres

Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5.1

2. Application EXT-5120 for a permit for an expedited transfer of the location of use and map number 18921 are APPROVED.
3. Appropriation A-17369A through transfer EXT-5120 authorizes the use of water to irrigate 43.2 acres of land described below and depicted on map number 18921, which is made a part of this Order. The water may be diverted from the Cedar River at points of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 18 North, Range 7 West of the 6th P.M. in Boone, as depicted on map number 18921. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.31 cfs from all points of diversion (139 gallons per minute). The total combined volume of both appropriations may not exceed 3 acre-feet per irrigated acre per year.

Township 18 North, Range 7 West of the
6th P.M. in Boone County Acres

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| Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 7.0 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 1.7 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 18.9 |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | <u>15.6</u> |
| TOTAL | 43.2 |

4. Appropriation A-17369A through transfer EXT-5120 provides additional water to land approved for irrigation under appropriation A-3233 through transfer EXT-5130.
5. All terms and conditions of appropriation A-17369 and A-17369A remain in effect unless specifically changed by this Order.
6. 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

November 21, 2014


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18921 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18921 were mailed on November 21, 2014, to the following:

Robert J. and Susan M. Malander
46989 State Highway 52
Belgrade, Nebraska 68623