STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND APPROVAL OF EXPEDITED TRANSFER EXT-3476 AND PETITION RLP-3477 TO CHANGE THE LOCATION OF DIVERSION AND MAP 18402 FOR WATER APPROPRIATION A-10344

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-10344 is held by Robert C. Nelsen.

2. Appropriation A-10344 has a priority date of April 7, 1964, and authorizes the use of water for irrigation of the 120.0 acres of land described below. The water may be diverted from Mira Creek at a point of diversion located on the north bank of the stream in the SE¼SW¼ of Section 28, Township 18 North, Range 13 West of the 6th P.M. in Valley 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 1.71 cfs (767 gallons per minute).

Township 18 North, Range 13 West of the 6th P.M. in Valley County		Acres
Section 28:	NW¼SW¼	10.0
	NE¼SW¼	30.0
	SW¼SW¼	40.0
	SE¼SW¼	40.0
	TOTAL	120.0

3. On January 18, 2013, Robert C. Nelsen filed application EXT-3476 for a permit for an expedited transfer of the location of use for 72.0 of the 120.0 acres of land authorized to be irrigated under appropriation A-10344, petition RLP-3477 for a permit to change the location of diversion and map number 18402 showing the land proposed to be irrigated under appropriation A-10344 through transfer EXT-3476.

4. On January 18, 2013, Robert C. Nelsen filed REL-3475 relinquishing a portion of the water under appropriation A-10344, for use on the land described below.

Township 18 North, Range 13 West of the 6th P.M. in Valley County		Acres
Section 28:	NE¼SW¼	22.0
	SE¼SW¼	26.0
	TOTAL	48.0

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-10344 at the rate of 0.68 cfs is CANCELLED for use on the land described below.

Township 18 North, Range 13 West of the 6th P.M. in Valley County		Acres
Section 28:	NE¼SW¼	22.0
	SE¼SW¼	26.0
	TOTAL	48.0

2. Application EXT-3476 for a permit for an expedited transfer of the location of use, petition RLP-3477 for a permit to change the location of diversion for appropriation A-10344 and map number 18402 are APPROVED.

3. Appropriation A-10344 through petition RLP-3477 is now A-10344R.

4. Appropriation A-10344R through transfer EXT-3476 authorizes the use of water to irrigate 72.0 acres of land described below and depicted on map number 18402, which is made a part of this Order. The water may be diverted from Mira Creek at a point of diversion located on the left bank of the stream in the SW¼SE¼ of Section 28, Township 18 North, Range 13 West of the 6th P.M. in Valley County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.03 cfs (462 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 18 North, Range 13 West of the 6th P.M. in Valley County		Acres
Section 28:	NW¼NE¼	30.3
	NE¼NE¼	17.7
	SW¼NE¼	9.4
	SE¼NE¼	14.6
	TOTAL	72.0

5. All terms and conditions of appropriation A-10344 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

March 8, 2013

Brian P. Dunnigan

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 18402 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18402 were mailed on March 8, 2013, to the following:

Robert C. Nelsen
82277 536th Avenue
Newman Grove, Nebraska 68758