

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5132 FOR WATER APPROPRIATION A-13939

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13939 is held by Robert J. and Susan M. Malander.
2. Appropriation A-13939 has a priority date of January 14, 1976, 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 18 North, Range 7 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 70 acres irrigated at a maximum rate of 1.06 cfs.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County		Acres
Section 36:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
	TOTAL	74.0

3. On August 6, 2014, Robert J. Malander and Susan M. Malander filed application EXT-5132 for a permit for an expedited transfer of the location of use for 58.8 of the 74.0 acres under surface water appropriation A-13939 and map number 18923 showing the land proposed to be irrigated under appropriation A-13939 through transfer EXT-5132.
4. On August 6, 2014, Robert J. and Susan M. Malander filed REL-5133 relinquishing a portion of the water under appropriation A-13939, for use on the land described below.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County		Acres
Section 36:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.4
	TOTAL	15.2

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-13939 at the rate of 0.22 cfs is CANCELLED for use on the land described below.

<u>Township 18 North, Range 7 West of the</u>	
<u>6th P.M. in Nance County</u>	
	<u>Acres</u>
Section 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.8
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>13.4</u>
TOTAL	15.2

2. Application EXT-5132 for a permit for an expedited transfer of the location of use and map number 18923 are APPROVED.
3. Appropriation A-13939 through transfer EXT-5132 authorizes the use of water to irrigate 58.8 acres of land described below and depicted on map number 18923, 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 18 North, Range 7 West of the 6th P.M. in Nance, as depicted on map number 18923. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.84 cfs (377 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 18 North, Range 7 West of the</u>	
<u>6th P.M. in Nance County</u>	
	<u>Acres</u>
Section 36: NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.2
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.8
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>22.6</u>
TOTAL	58.8

4. All terms and conditions of appropriation A-13939 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

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 18923 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18923 were mailed on November 21, 2014, to the following:

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