

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5127 AND

MAP NUMBER 19108 FOR WATER APPROPRIATION A-4411

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4411 is held by Robert J. and Susan M. Malander.
2. Appropriation A-4411 has a priority date of January 3, 1949, and authorizes the use of water for irrigation of the 65.2 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the south bank of the stream in the NW¹/₄NW¹/₄ of Section 35, 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 140 acres irrigated at a maximum rate of 0.46 cfs.

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

Section 35: NW ¹ / ₄ NW ¹ / ₄	3.8
NE ¹ / ₄ NW ¹ / ₄	26.0
SW ¹ / ₄ NW ¹ / ₄	3.0
SE ¹ / ₄ NW ¹ / ₄	<u>32.4</u>

TOTAL 65.2

3. On August 6, 2014, Robert J. Malander, on behalf of Susan M. Malander and himself, filed application EXT-5127 for a permit for an expedited transfer of the location of use for 54.6 of the 65.2 acres under surface water appropriation A-4411.
4. On November 17, 2014, Susan M. Malander filed in the Department map number 19108 showing the land proposed to be irrigated under appropriation A-4411 through transfer EXT-5127.

5. On August 6, 2014, Robert J. and Susan M. Malander filed REL-5129 relinquishing a portion of the water under appropriation A-4411, for use on the land described below.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County	Acres
Section 35: NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.6

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-4411 at the rate of 0.07 cfs is CANCELLED for use on the land described below.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County	Acres
Section 35: NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.6

2. Application EXT-5127 for a permit for an expedited transfer of the location of use and map number 19108 are APPROVED.
3. Appropriation A-4411 through transfer EXT-5127 authorizes the use of water to irrigate 54.6 acres of land described below and depicted on map number 19108, 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 right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 18 North, Range 7 West of the 6th P.M. in Nance County, as depicted on map number 19108. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.39 cfs (175 gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County	Acres
Section 35: NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.9
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>31.2</u>
TOTAL	54.6

4. All terms and conditions of appropriation A-4411 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

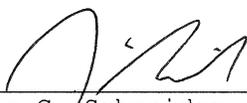
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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

January 14, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19108 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19108 mailed on January 14, 2015, to the following:

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