

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5144 AND MAP 19217 TO CHANGE THE LOCATION OF
DIVERSION FOR A PORTION OF WATER APPROPRIATION A-17369B

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17369B is held by Robert J. and Susan M. Malander.
2. Appropriation A-17369B has a priority date of May 12, 1994, and authorizes the use of water for irrigation of 111.0 acres of land. The water may be diverted from the Cedar River at points 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 70 acres irrigated at a maximum rate of 1.59 cfs.
3. Robert J. and Susan M. Malander filed petition RLP-5144 in the Department for a permit to change the location of diversion for a portion of appropriation A-17369B.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5144 for a permit to change the location of diversion for appropriation A-17369B and map number 19217 are APPROVED.
2. The portion of appropriation A-17369B modified by RLP-5144 shall now be identified in Department records as A-17369BR.

3. Appropriation A-17369BR shall be shown in the Department's records authorizing the use of water to irrigate 111.0 acres of land described below and depicted on map number 19217, which is made a part of this Order. The water may be diverted from Cedar River at points of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, all in Township 18 North, Range 7 West of the 6th P.M. in Boone County, as depicted on map number 19217. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 1.59 cfs (714 gallons per minute) from all points of diversion. The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 18 North, Range 7 West of the 6 th P.M. in Boone County		Township 18 North, Range 7 West of the 6 th P.M. in Nance County	
	Acres		Acres
Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.1	Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.8
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.5
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.8
Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.8		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36.6	Section 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.4
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.7		
		TOTAL	111.0

4. All terms and conditions of appropriation A-17369 and A-17369B 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

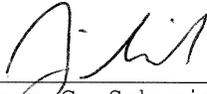
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

April 30, 2015



James C. Schneider, Ph.D.
Acting 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 19217 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19217 were mailed on April 30, 2015, to the following:

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