

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5373 FOR WATER APPROPRIATION A-3801

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3801 is held by E. Duane and Shirley E. Reynolds.
2. Appropriation A-3801 has a priority date of January 29, 1945 and authorizes the use of water for irrigation of the 20.5 acres of land described below. The water may be diverted from Mud (Beaver) Creek at a point of diversion located on the east bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 34, Township 14 North, Range 16 West of the 6<sup>th</sup> P.M. in Sherman County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 120 acres irrigated at a maximum rate of 0.17 cfs.

Township 14 North, Range 16 West of the 6 <sup>th</sup> P.M. in Sherman County	Acres
Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.2
Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$	<u>11.3</u>
TOTAL	20.5

3. On June 15, 2015, E. Duane Reynolds filed application EXT-5373 for a permit for an expedited transfer of the location of use for 14.4 of the 20.5 acres under surface water appropriation A-3801 and map number 19191 showing the land proposed to be irrigated under appropriation A-3801 through transfer EXT-5373.
4. On June 15, 2015, E. Duane and Shirley E. Reynolds filed REL-5485 relinquishing a portion of the water under appropriation A-3801, for use on the land described below.

Township 14 North, Range 16 West of the 6 <sup>th</sup> P.M. in Sherman County	Acres
Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.1

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-3801 at the rate of 0.05 cfs is CANCELLED for use on the land described below.

Township 14 North, Range 16 West of the  
6<sup>th</sup> P.M. in Sherman County Acres

Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$  6.1

2. Application EXT-5373 for a permit for an expedited transfer of the location of use and map number 19191 are APPROVED.

3. Appropriation A-3801 through transfer EXT-5373 authorizes the use of water to irrigate 8.7 acres of land described below and depicted on map number 19191, which is made a part of this Order. The water may be diverted from Mud (Beaver) Creek at a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 34, Township 14 North, Range 16 West of the 6<sup>th</sup> P.M. in Sherman County, as depicted on map number 19191. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.12 cfs from all points of diversion (54 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 14 North, Range 16 West of the  
6<sup>th</sup> P.M. in Sherman County Acres

Section 35: SE $\frac{1}{4}$ NW $\frac{1}{4}$  3.4

NW $\frac{1}{4}$ SW $\frac{1}{4}$  1.8

NE $\frac{1}{4}$ SW $\frac{1}{4}$  3.5

TOTAL 8.7

4. All terms and conditions of appropriation A-3801 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

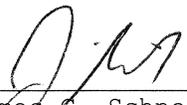
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

July 22, 2015

  
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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 19191 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19191 were mailed on July 22, 2015, to the following:

E. Duane and Shirley E. Reynolds  
13242 Highway 2  
Litchfield, Nebraska 68852