

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-9609

AND APPROVAL OF NON-EXPEDITED TRANSFER NEX-11239 AND MAP NUMBER 21619

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-9609 is held by the Ty Cole Anderson Estate.
2. Appropriation A-9609 with a priority date of March 31, 1958, authorizes the use of water for irrigation of the 33.3 acres of land described below. The water may be diverted from the Loup River at a point of diversion located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, Township 15 North, Range 09 West of the 6<sup>th</sup> P.M., in Howard County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.48 cfs.

Township 15 North, Range 09 West of the 6 <sup>th</sup> P.M. in Howard County		Acres
Section 09:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.0</u>
TOTAL		33.3

3. On May 19, 2025, Mollie Anderson, on behalf of the Ty Cole Anderson Estate, and Patricia Anderson, filed application NEX-11239 in the Department for a permit for a non-expedited transfer of the location of use for 21.0 of the 33.3 acres under surface water appropriation A-9609, and that the source be changed to Spring Creek at a point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 08 of said legal description.
4. On May 19, 2025, Mollie Anderson filed relinquishment REL-11261 relinquishing the right to divert water under a portion of appropriation A-9609 to irrigate 12.3 acres of land. The relinquishment was conditional, upon the approval of NEX-11239.
5. On June 12, 2025, Patricia Anderson filed map number 21619 showing the land proposed to be irrigated under A-9609 through NEX-11239.

ORDER

1. Part of surface water appropriation A-9609 at the rate of 0.18 cfs for use upon the 12.3 acres of land is CANCELLED.
2. Application NEX-11239 for a permit for a non-expedited transfer of the location of use under A-9609 and map number 21619 are APPROVED.
3. Appropriation A-9609 through NEX-11239 is now A-9609R.

4. Appropriation A-9609R through transfer NEX-11239 authorizes the use of water to irrigate from Spring Creek to irrigate the 21.0 acres of land described below and depicted on map number 21619 which is made a part of this Order. The water may be diverted from Spring Creek at a point of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 08, Township 15 North, Range 09 West of the 6<sup>th</sup> P.M. in Howard County. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated at a maximum rate of 0.30 cfs (135 gallons per minute). The total amount of water used by A-9609R under any circumstance shall be limited annually to 1.21 acre-feet per acre of land on which water is actually and beneficially applied.

Township 15 North, Range 09 West of the  
6<sup>th</sup> P.M. in Howard County    Acres

Section 08:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>5.0</u>
	TOTAL	21.0

5. The Department shall administer water rights calls under A-9609R so that no harm shall occur to existing junior appropriators on Spring Creek upstream of A-9609R beyond those that would have occurred prior to the approval of NEX-11239.
6. A measuring device, approved by the Department and at the Applicant's expense, is required. Contact the Ord Field Office before acquiring a measuring device to ensure the device will be acceptable.
7. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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 and any orders issued by the Department may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected 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. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

Department of Water, Energy, and Environment



September 19, 2025

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Matthew T. Manning, PE, JD  
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21619 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21619 were mailed to the following:

Patricia Anderson  
478 Cushing Road  
Saint Paul, Nebraska 68873  
[panderson77@gmail.com](mailto:panderson77@gmail.com)

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471 Cushing Road  
Saint Paul, Nebraska 68873  
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