

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN PART,
APPROVAL OF EXPEDITED TRANSFER EXT-11568 AND MAP NUMBER 21709
FOR WATER APPROPRIATION A-4442**

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-4442 is held by Mitchell P. and Cassie Kay Feldman and Kort Transfer, L.L.C.
2. Appropriation A-4442 has a priority date of **March 2, 1949**, and authorizes the use of water for irrigation of the **100.0 acres** of land described below. The water may be diverted from **Mud (Beaver) Creek** at points of diversion located on **both banks of the stream in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 20, Township 14 North, Range 16 West of the 6th P.M. in Sherman County**. Water diverted shall not exceed the ratio of **one cubic foot per second (cfs) for every 100 acres** irrigated at a maximum combined rate of **1.0 cfs** from all points of diversion. The total annual volume may not exceed **three acre-feet per acre** of land on which water is actually and beneficially applied.

Township 14 North, Range 16 West of the 6 th P.M. in Sherman County		Acres
Section 20:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>32.0</u>
TOTAL		100.0

3. On January 13, 2026, Mitchell P. Feldman, on behalf of Cassie Kay Feldman and himself, filed application EXT-11568 for a permit for an expedited transfer of the location of use for 98.3 of the 100.0 acres under surface water appropriation A-4442 and map number 21709 showing the land proposed to be irrigated under appropriation A-4442 through transfer EXT-11568.
4. The Feldman's requested the 98.3 acres subject to transfer under A-4442 be folded to irrigate 74.1 acres at a ratio of **one cfs for every 76 acres** irrigated at a maximum combined rate of **0.98 cfs** from all points of diversion.

5. On January 13, 2026, Jeff Kort, on behalf of Kort Transfer, L.L.C., filed REL-11620 relinquishing the right to divert water under a portion of appropriation A-4442, for use on the land described below.

Township 14 North, Range 16 West of the 6 th P.M. in Sherman County	Acres
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Section 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.7
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ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-4442 for the land described above at the rate of 0.02 cfs is **CANCELLED**.
2. Application EXT-11568 for a permit for an expedited transfer of the location of use and map number 21709 are **APPROVED**.
3. **Authorized Land for Irrigation Through EXT-11568**
Appropriation A-4442 through transfer EXT-11568 authorizes the use of water to irrigate **74.1 acres** of land described below and depicted on map number 21709, which is made a part of this Order. The water may be diverted from **Mud (Beaver) Creek** at points of diversion located on the **right bank of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and on both banks of the stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 20, Township 14 North, Range 16 West of the 6th P.M. in Sherman County**, as depicted on map number 21709. Water diverted shall not exceed the ratio of **one cfs for every 76 acres** irrigated at a maximum combined rate of **0.98 cfs** from all points of diversion (**440** gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year.

Township 14 North, Range 16 West of the 6 th P.M. in Sherman County	Acres
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Section 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.1
SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.4
SW $\frac{1}{4}$ SE $\frac{1}{4}$	23.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.8</u>
TOTAL	74.1

4. **Terms and Conditions of Previous Orders**
All terms and conditions of appropriation A-4442 remain in effect unless specifically changed by this Order.
5. **Ongoing Compliance Requirements**
The appropriator must:
 - 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 applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, and/or criminal prosecution.

Under Nebraska law, **nonuse** of a perfected appropriation for **more than five consecutive years** may result in its cancellation.

This appropriation **does not guarantee** water availability. Senior appropriations have legal priority. If insufficient water is available, junior appropriators may be closed. Appropriators may request enforcement action by contacting the local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



January 21, 2026

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 21709 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21709 were mailed to the following:

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