

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9444

AND PETITION RLP-9443 FOR A PERMIT TO CHANGE THE LOCATION OF DIVERSION

FOR WATER APPROPRIATION A-4059 AND MAP NUMBER 20824

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4059 is held by John E. Nelson IV.
2. Appropriation A-4059 has a priority date of March 31, 1947, and authorizes the use of water for irrigation of the 142.0 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 17 North, Range 07 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 1.02 cfs.

<u>Township 17 North, Range 07 West of the</u> <u>6th P.M. in Nance County</u>	<u>Acres</u>
Section 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39.0</u>
TOTAL	142.0

3. On September 13, 2021, John E. Nelson IV filed application EXT-9444 for a permit for an expedited transfer of the location of use and petition RLP-9443 for a permit to change the location of diversion for land authorized to be irrigated by appropriation A-4059.
4. On September 30, 2021, John E. Nelson IV filed map number 20824 showing the proposed location of diversion through petition RLP-9443 and the location of land to be irrigated under appropriation A-4059 through transfer EXT-9444.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9444 for a permit for an expedited transfer of the location of use, petition RLP-9443 for a permit to change the location of diversion and map number 20824 are APPROVED.
2. Appropriation A-4059 through petition RLP-9443 is now A-4059R
3. Appropriation A-4059R through transfer EXT-9444 and petition RLP-9443 authorizes the use of water to irrigate 142.0 acres of land described below and depicted on map number 20824, 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 left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 17 North, Range 07 West of the 6th P.M. in Nance County, as depicted on map number 20824. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 1.02 cfs (458 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 17 North, Range 07 West of the 6 th P.M. in Nance County		Acres
Section 13:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	14.5
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.2
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31.3
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.5
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>32.3</u>
	TOTAL	142.0

4. All terms and conditions of appropriation A-4059 remain in effect unless specifically changed by this Order.
5. A measuring device, approved by the Department, may be required if so ordered by the Department.
6. 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, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Order 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 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.

DEPARTMENT OF NATURAL RESOURCES



October 14, 2021

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20824 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 20824 were mailed on October 14, 2021, to the following:

John E. Nelson IV
PO Box 208
Belgrade, Nebraska 68623