STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5043 FOR WATER APPROPRIATION A-17879

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17879 is held by Kenneth R. and Cynthia J. Pilakowski.

2. Appropriation A-17879 has a priority date of June 26, 2000, and authorizes the use of water for irrigation of the 109.6 acres of land described below. The water may be diverted from the Loup River at points of diversion located in the NW¼SE¼ and NE¼SE¼ of Section 5, Township 16 North, Range 5 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 135 acres irrigated at a maximum combined rate of 0.81 cfs from all points of diversion.

Township 16 North, Range 5 West of the 6th P.M. in Nance County		Acres
Section 5:	SW¼NE¼	36.6
	SE¼NE¼	23.5
	NW¼SE¼	29.8
	NE¼SE¼	19.7
	TOTAL	109.6

3. On April 23, 2014, Kenneth Pilakowski filed application EXT-5043 for a permit for an expedited transfer of the location of use for 101.2 of the 109.6 acres under surface water appropriation A-17879 and map number 18857 showing the land proposed to be irrigated under appropriation A-17879 through transfer EXT-5043.

4. On April 23, 2014, Kenneth and Cynthia Pilakowski filed REL-5044 relinquishing a portion of the water under appropriation A-17879, for use on the land described below.

Township 16 North, Range 5 West of the 6th P.M. in Nance County		Acres
Section 5:	SW¼NE¼	5.2
	SE¼NE¼	0.2
	NW¼SE¼	0.4
	NE¼SE¼	2.6
	TOTAL	8.4

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-17879 at the rate of 0.06 cfs is CANCELLED for use on the land described below.

Township 16 North, Range 5 West of the 6th P.M. in Nance County		Acres
Section 5:	SW¼NE¼	5.2
	SE¼NE¼	0.2
	NW¼SE¼	0.4
	NE¼SE¼	2.6
	TOTAL	8.4

2. Application EXT-5043 for a permit for an expedited transfer of the location of use and map number 18857 are APPROVED.

3. Appropriation A-17879 through transfer EXT-5043 authorizes the use of water to irrigate 101.2 acres of land described below and depicted on map number 18857, which is made a part of this Order. The water may be diverted from the Loup River at points of diversion located on the left bank of the stream in the N½SE¼ of Section 5, Township 16 North, Range 5 West of the 6th P.M. in Nance County, as depicted on map number 18857. Water diverted shall not exceed the ratio of one cfs for every 135 acres irrigated at a maximum combined rate of 0.75 cfs from all points of diversion (337 gallons per minute).

Township 16 North, Range 5 West of the 6th P.M. in Nance County		Acres
Section 5:	SW¼NE¼	31.4
	SE¼NE¼	23.3
	NW¼SE¼	29.4
	NE¼SE¼	17.1
	TOTAL	101.2

4. Appropriation A-17879 through transfer EXT-5043 provides additional water to land approved for irrigation under appropriation A-8418 through transfer EXT-5042. The total combined volume of both appropriations may not exceed three acre-feet per irrigated acre per year.

5. All terms and conditions of appropriation A-17879 remain in effect unless specifically changed by this Order.

6. 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

September 4, 2014

Brian P. Dunnigan

Brian P. Dunnigan, P.E., 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 18857 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18857 were mailed on September 4, 2014, to the following:

Kenneth R. & Cynthia J. Pilakowski
34908 State Highway 22
Genoa, Nebraska 68640