

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND

APPROVAL OF EXPEDITED TRANSFER EXT-5130 FOR WATER APPROPRIATION A-3233

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3233 is held by Robert J. and Susan M. Malander.
2. Appropriation A-3233 has a priority date of August 17, 1940, and authorizes the use of water for irrigation of the 48.3 acres of land described below. The water may be diverted from the Cedar River at points of diversion located in the SW $\frac{1}{4}$  of Section 26, Township 18 North, Range 7 West of the 6<sup>th</sup> 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 combined rate of 0.35 cfs from all points of diversion.

Township 18 North, Range 7 West of the 6 <sup>th</sup> P.M. in Boone County		Acres
Section 26:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.0
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>1.0</u>
	TOTAL	48.3

3. Appropriation A-17369A provides additional water to land approved for irrigation under appropriation A-3233.
4. On August 6, 2014, Robert J. Malander and Susan M. Malander filed application EXT-5130 for a permit for an expedited transfer of the location of use for 43.2 of the 48.3 acres under surface water appropriation A-3233 and map number 18920 showing the land proposed to be irrigated under appropriation A-3233 through transfer EXT-5130.
5. On August 6, 2014, Robert J. Malander and Susan M. Malander filed REL-5131 relinquishing a portion of the water under appropriation A-3233, for use on the land described below.

Township 18 North, Range 7 West of the 6 <sup>th</sup> P.M. in Boone County		Acres
Section 26:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.1



- 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

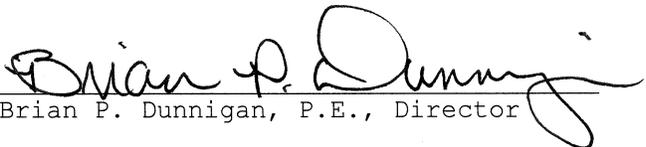
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation,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

November 21, 2014

  
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18920 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18920 were mailed on November 21, 2014, to the following:

Robert J. and Susan M. Malander  
46989 State Highway 52  
Belgrade, Nebraska 68623