

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF NON-EXPEDITED TRANSFER NEX-5134 AND  
MAP NUMBER 19109 FOR WATER APPROPRIATION A-17369B

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17369B is held by Robert J. and Susan M. Malander.
2. Appropriation A-17369B has a priority date of May 12, 1994, and authorizes the use of water for irrigation of the 111.0 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the south bank of the stream in the NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> 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 70 acres irrigated at a maximum rate of 1.59 cfs.

Township 18 North, Range 7 West of the 6 <sup>th</sup> P.M. in Boone County		Acres
Section 26:	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	16.0
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	6.0
Section 27:	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	28.0
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	36.6
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	6.9
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	17.1
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	0.4
	TOTAL	111.0

3. On August 6, 2014, Robert J. Malander and Susan M. Malander filed application NEX-5134 for a permit for a non-expedited transfer of the location of use.
4. On November 17, 2014, Susan M. Malander filed in the Department map number 19109 showing the land proposed to be irrigated under appropriation A-17369B through transfer NEX-5134.

ORDER

IT IS HEREBY ORDERED:

1. Application NEX-5134 for a permit for a non-expedited transfer of the location of use and map number 19109 are APPROVED.
2. Appropriation A-17369B through transfer NEX-5134 authorizes the use of water to irrigate 111.0 acres of land described below and depicted on map number 19109, which is made a part of this Order. The water may be diverted from the Cedar River at points of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M. in Boone County as depicted on map number 19109. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 1.59 cfs (714 gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year.

<u>Township 18 North, Range 7 West of the 6<sup>th</sup> P.M. in Boone County</u>	<u>Acres</u>	<u>Township 18 North, Range 7 West of the 6<sup>th</sup> P.M. in Nance County</u>	<u>Acres</u>
Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.1	Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.8
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.5
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.5
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.8
Section 27: SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.8		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	36.6	Section 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.4
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>2.0</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.7		
		TOTAL	111.0

3. All terms and conditions of appropriation A-17369 and A-17369B remain in effect unless specifically changed by this Order.
4. 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

January 14, 2015

  
James C. Schneider, Ph.D.  
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19109 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19109 mailed on January 14, 2015, to the following:

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