

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-4711 FOR WATER APPROPRIATION A-3682R

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3682R is held by Ronald D. and Karen N. Scott.
2. Appropriation A-3682R has a priority date of February 7, 1944, and authorizes the use of water for irrigation of the 68.1 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located on the right bank of the stream in the NW¹/₄NW¹/₄ of Section 1, Township 17 North, Range 7 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 0.49 cfs.

Township 18 North, Range 7 West of the	
<u>6th P.M. in Nance County</u>	
	Acres
Section 35: NE ¹ / ₄ SE ¹ / ₄	6.6
SW ¹ / ₄ SE ¹ / ₄	27.1
SE ¹ / ₄ SE ¹ / ₄	31.5
Section 36: SW ¹ / ₄ SW ¹ / ₄	<u>2.9</u>
TOTAL	68.1

3. On May 29, 2013, Ronald D. Scott filed in the Department application EXT-4711 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-3682R and map number 18524 showing the land proposed to be irrigated under appropriation A-3682R through transfer EXT-4711.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-4711 for a permit for an expedited transfer of the location of use and map number 18524 are APPROVED.

2. Appropriation A-3682R through transfer EXT-4711 authorizes the use of water to irrigate 68.1 acres of land described below and depicted on map number 18524, 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 right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 17 North, Range 7 West of the 6th P.M. in Nance County. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.49 cfs (220 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

<u>Township 18 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 35:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.9
Section 36:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.3
<u>Township 17 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 2:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3.7</u>
TOTAL		68.1

3. All terms and conditions of appropriation A-3682 and A-3682R 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

September 3, 2013


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 18524 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18524 were mailed on September 3, 2013, to the following:

Ronald D. and Karen N. Scott
20579 North 465th Street
Belgrade, Nebraska 68623

Mark Scott
45582 North 205th Avenue
Belgrade, Nebraska 68623