

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART AND APPROVAL OF EXPEDITED TRANSFER EXT-4714

AND PETITION RLP-4716 AND MAP 18523 TO CHANGE THE LOCATION OF

DIVERSION FOR WATER APPROPRIATION A-2887

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2887 is held by Ronald D. and Karen N. Scott.
2. Appropriation A-2887 has a priority date of October 4, 1938, and authorizes the use of water for irrigation of the 124.0 acres of land described below. The water may be diverted from the Cedar River at a point of diversion located 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 cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.89 cfs.

Township 17 North, Range 7 West of the 6 th P.M. in Nance County		Acres
Section 2:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	37.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	23.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>29.0</u>
	TOTAL	124.0

3. On May 29, 2013, Ronald D. Scott filed in the Department application EXT-4714 for a permit for an expedited transfer of the location of use for 113.2 of the 124.0 acres under surface water appropriation A-2887, Petition RLP-4716 for a permit to change the location of diversion and map number 18523 showing the proposed locations of diversion and land proposed to be irrigated under appropriation A-2887 through transfer EXT-4714.
4. On May 29, 2013, Ronald D. Scott filed REL-4715 relinquishing a portion of the water under appropriation A-2887, for use on the land described below.

Township 17 North, Range 7 West of the 6 th P.M. in Nance County		Acres
Section 2:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	5.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.0</u>
	TOTAL	10.8

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-2887 at the rate of 0.08 cfs is CANCELLED for use on the land described below.

<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 $\frac{1}{4}$	5.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.0</u>
	TOTAL	10.8

2. Application EXT-4714 for a permit for an expedited transfer of the location of use, petition RLP-4716 for a permit to change the location of diversion and map number 18523 are APPROVED.
3. Appropriation A-2887 through petition RLP-4716 is now A-2887R.
4. Appropriation A-2887R through transfer EXT-4714 authorizes the use of water to irrigate 113.2 acres of land described below and depicted on map number 18523, which is made a part of this Order. The water may be diverted from the Cedar River at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, all in 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 combined rate of 0.81 cfs from all points of diversion (364 gallons per minute). The total combined 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:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.6

<u>Township 17 North, Range 7 West of the</u>		
<u>6th P.M. in Nance County</u>		<u>Acres</u>
Section 1:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.9
Section 2:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30.6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.9
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29.4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>16.3</u>
	TOTAL	113.2

5. All terms and conditions of appropriation A-2887 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 3, 2013


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 18523 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 18523 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