

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-3682R

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that land located in the SE $\frac{1}{4}$ of Section 35 and the SW $\frac{1}{4}$ of Section 36, both in Township 18 North, Range 7 West of the 6th P.M. appurtenant to surface water appropriation A-3682R is owned by Mark and Becky Scott.
2. Records on file in the Department show that land located in the NE $\frac{1}{4}$ of Section 2, Township 17 North, Range 7 West of the 6th P.M. appurtenant to surface water appropriation A-3682R is owned by Ronald D. and Karen N. Scott.
3. 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 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 0.49 cfs.

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

4. On February 2, 2015, Mark and Becky Scott filed in the Department relinquishment REL-5294 relinquishing the right to divert water under a portion of appropriation A-3682R to irrigate the 4.2 acres of land described below.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County	Acres
Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.1</u>
TOTAL	4.2

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-3682R at the rate of 0.03 cfs for use upon the land described below is CANCELLED.

Township 18 North, Range 7 West of the 6 th P.M. in Nance County	Acres
Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.1
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>4.1</u>
TOTAL	4.2

2. Appropriation A-3682R now authorizes the appropriator to divert water from the Cedar River to irrigate the 63.9 acres of land described below and depicted on map number 19180 which is made a part of this Order. The point of diversion remains 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, as depicted on map number 19180. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.46 cfs (206 gallons per minute).

Township 18 North, Range 7 West of the 6 th P.M. in Nance County	Acres	Township 17 North, Range 7 West of the 6 th P.M. in Nance County	Acres
Section 35: NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.5	Section 2: NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>3.7</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.7		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	14.8	TOTAL	63.9
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.9		
Section 36: SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.3		

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 and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected 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. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

April 8, 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 19180 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19180 were mailed on April 8, 2015, to the following:

Mark & Becky Scott
45582 North 205th Avenue
Belgrade, Nebraska 68623

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