

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5496 AND MAP NUMBER 19315

FOR WATER APPROPRIATION A-4609R

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4609R is held by Marlin J. and Kelly R. Scott.
2. Appropriation A-4609R has a priority date of March 1, 1950, and authorizes the use of water for irrigation of the 23.0 acres of land described below. The water may be diverted from the Cedar River at points of diversion located on both banks of the stream in the NW¹/₄NW¹/₄, NW¹/₄SW¹/₄ and NE¹/₄SW¹/₄ of Section 01 and the SE¹/₄NE¹/₄ of Section 02, all in Township 17 North, Range 07 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 combined rate of 0.16 cfs from all points of diversion.

Township 17 North, Range 07 West of the 6 th P.M. in Nance County	Acres
Section 01: NW ¹ / ₄ SW ¹ / ₄	5.3
NE ¹ / ₄ SW ¹ / ₄	4.1
SW ¹ / ₄ SW ¹ / ₄	2.5
SE ¹ / ₄ SW ¹ / ₄	6.2
Section 02: NW ¹ / ₄ SE ¹ / ₄	1.6
NE ¹ / ₄ SE ¹ / ₄	<u>3.3</u>
TOTAL	23.0

3. On August 11, 2015, Marlin J. and Kelly R. Scott filed application EXT-5496 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-4609R and map number 19315 showing the land proposed to be irrigated under appropriation A-4609R through transfer EXT-5496.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5496 for a permit for an expedited transfer of the location of use and map number 19315 are APPROVED.

2. Appropriation A-4609R through transfer EXT-5496 authorizes the use of water to irrigate 23.0 acres of land described below and depicted on map number 19315, 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 NW¹/₄NW¹/₄, NW¹/₄SW¹/₄ and NE¹/₄SW¹/₄ of Section 01 and the SE¹/₄NE¹/₄ of Section 02, all in Township 17 North, Range 07 West of the 6th P.M. in Nance County, as depicted on map number 19315. Water diverted shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum combined rate of 0.16 cfs from all points of diversion (72 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 17 North, Range 7 West of the</u>	<u>Acres</u>
<u>6th P.M. in Nance County</u>	
Section 01: NW ¹ / ₄ NW ¹ / ₄	0.4
NW ¹ / ₄ SW ¹ / ₄	5.3
NE ¹ / ₄ SW ¹ / ₄	4.1
SW ¹ / ₄ SW ¹ / ₄	2.5
SE ¹ / ₄ SW ¹ / ₄	6.2
Section 02: NE ¹ / ₄ NE ¹ / ₄	2.5
NW ¹ / ₄ SE ¹ / ₄	<u>2.0</u>
TOTAL	23.0

3. All terms and conditions of appropriation A-4609 and A-4609R 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

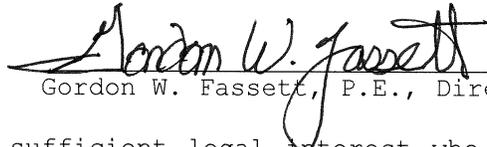
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, 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 22, 2015


Gordon W. Fassett, 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 19315 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19315 were mailed on September 22, 2015, to the following:

Marlin J. and Kelly R. Scott
20898 North 465th Street
Belgrade, Nebraska 68623

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

Mark and Rebecca Scott
45582 North 205th Street
Belgrade, Nebraska 68623