STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-5326 AND MAP 19240 TO CHANGE THE LOCATION OF DIVERSION FOR WATER APPROPRIATION A-4058B

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4058B is held by Mark Scott.

2. Appropriation A-4058B has a priority date of March 31, 1947, and authorizes the use of water for irrigation of 112 acres of land. The water may be diverted from the Cedar River at a point of diversion located in the SW¼SE¼ of Section 26, Township 18 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 658 acres irrigated at a maximum rate of 0.17 cfs.

3. On March 10, 2015, Mark Scott filed petition RLP-5326 in the Department for a permit for two additional locations of diversion for appropriation A-4058B.

4. On May 12, 2015, Mark Scott filed map number 19240 in the Department showing the location of the additional proposed pump sites and the land to be irrigated under appropriation A-4058B through petition RLP-5326.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-5326 for a permit to add two locations of diversion for appropriation A-4058B and map number 19240 are APPROVED.

2. Appropriation A-4058B through petition RLP-5326 is now A-4058BR.

3. Appropriation A-4058BR shall be shown in the Department's records authorizing the use of water to irrigate 112 acres of land described below and depicted on map number 19240, which is made a part of this Order. The water may be diverted from the Cedar River at points of diversion located on the right bank of the stream in the SW¼SE¼ of Section 26, the NW¼NW¼ of Section 36 and the SE¼NE¼ of Section 35, all in Township 18 North, Range 7 West of the 6th P.M. in Nance County, as depicted on map number 19240. Water diverted shall not exceed the ratio of one cfs for every 659 acres irrigated at a maximum combined rate of 0.17 cfs (76 gallons per minute) from all points of diversion.

Township 18 North, Range 7 West of the 6th P.M. in Nance County		Acres
Section 35:	NW¼NE¼	34
	NE¼NE¼	39
	SW¼NE¼	23
	SE¼NE¼	16
	TOTAL	112

4. Pursuant to *Neb. Rev. Stat.* § 46-231, the total volume of water under appropriations A-3686R, A-4058BR, A-8301R, A-15534R, A-15535BR and A-17652 shall not exceed three-acre feet per year for each acre of land for which such appropriation has been made.

5. Appropriation A-4058BR is approved for irrigation of the same land as appropriations A-3686R, A-8301, A-15534, A-15535BR and A-17985R.

6. All terms and conditions of appropriation A-4058B remain in effect unless specifically changed by this Order.

7. 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

May 27, 2015

James C. Schneider, Ph.D.
Acting 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 19240 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 19240 were mailed on May 27, 2015, to the following:

Mark Scott
45582 North 205th Avenue
Belgrade, Nebraska 68623