

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-17963

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17963 is held by Fanta Brothers Partnership.
2. Appropriation A-17963 has a priority date of March 8, 2001, and authorizes the use of water for irrigation of the 216.1 acres of land described below. The water may be diverted from West Bazile Creek at points of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 28 North, Range 5 West of the 6th P.M. in Antelope County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 3.09 cfs from all points of diversion.

<u>Township 28 North, Range 5 West of the 6th P.M. in Antelope County</u>		<u>Acres</u>
Section 5:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39.4</u>
	TOTAL	216.1

3. On July 25, 2012, Duane G. Fanta, Dale G. Fanta, and Timothy J. Fanta, on behalf of Fanta Brothers Partnership, filed a partial relinquishment of water appropriation A-17963, REL-2380, relinquishing the right to divert water under appropriation A-17963 to irrigate the 2.3 acres of land described below.

<u>Township 28 North, Range 5 West of the 6th P.M. in Antelope County</u>		<u>Acres</u>
Section 5:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.1</u>
	TOTAL	2.3

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-17963 at the rate of 0.03 cfs for use upon the land described below is CANCELLED.

<u>Township 28 North, Range 5 West of the</u>		
<u>6th P.M. in Antelope County</u>		<u>Acres</u>
Section 5:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.2
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.1</u>
	TOTAL	2.3

2. Appropriation A-17963 now authorizes the appropriator to divert water from West Bazile Creek to irrigate the 213.8 acres of land described below and depicted on map number 18225 which is made a part of this Order. The points of diversion remain in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 28 North, Range 5 West of the 6th P.M. in Antelope County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 3.06 cfs (1,373 gallons per minute) from all points of diversion.

<u>Township 28 North, Range 5 West of the</u>		
<u>6th P.M. in Antelope County</u>		<u>Acres</u>
Section 5:	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.2
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.8
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.6
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39.4</u>
	TOTAL	213.8

3. All terms and conditions of appropriation A-17963 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

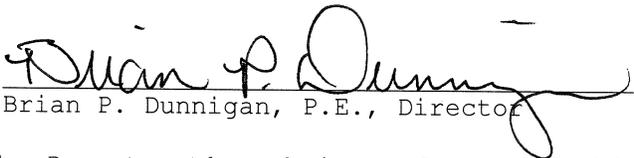
Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, 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

August 6, 2012


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 18225 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 18225 were mailed on August 6, 2012, to the following:

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