

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 17565 FOR WATER APPROPRIATION A-18678

WATER DIVISION 2-F

Background

1. On October 14, 2009, Tim and Susan Fanta filed application A-18678 in the Department of Natural Resources (Department) for a Permit to Appropriate Water.
2. On December 31, 2009, Tim and Susan Fanta filed map number 17565 showing land proposed to be irrigated under application A-18678.

Order

IT IS HEREBY ORDERED:

1. Map number 17565 is APPROVED.
2. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-18678 as depicted on map number 17565 which is made a part of this Order.

	Township 28 North, Range 5 West of the 6 <sup>th</sup> P.M. in Antelope County	Acres
Section 5:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.6
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>13.8</u>
	TOTAL	100.6

3. Appropriation A-18678 is held by Tim and Susan Fanta and authorizes the use of water for irrigation of the 100.6 acres of land described above. The water may be diverted from Bazile Creek at a point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8, Township 28 North, Range 5 West of the 6<sup>th</sup> P.M. in Antelope County, at a maximum rate of 1.44 cubic feet per second (cfs) (646 gallons per minute). The point of diversion will be shared with appropriations A-17963 and A-18439, both held by Fanta Brothers Partnership, and all will have a common pump and pipe delivery system. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.

4. The appropriator is bound by all terms and conditions of the approval of application A-18678.

DEPARTMENT OF NATURAL RESOURCES

February 8, 2010

  
Brian P. Dunnigan, 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 Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 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 17565 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order, map number 17565, and Surface Water Administration brochure were mailed on February 8, 2010, to the following:

Tim and Susan Fanta  
31002 435<sup>th</sup> Avenue  
Yankton, South Dakota 57078