

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18678

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18678 is held by Tim and Susan Fanta.
2. Appropriation A-18678, with a priority date of October 14, 2009, authorizes the use of water for irrigation of the 100.6 acres of land described below. 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). Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 1.44 cfs.

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. The approval of appropriation A-18678 was conditional upon the irrigation of the above land by September 1, 2012.
4. Department personnel performed a field investigation and determined the land approved for irrigation under appropriation A-18678 had not been irrigated by September 1, 2012.
5. *Nebraska Revised Statutes* § 46-229.02(7) provides for the cancellation of unused portions of surface water appropriations.

ORDER

IT IS HEREBY ORDERED appropriation A-18678 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 10, 2013

  
Brian P. Dunnigan, P.E., Director

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A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and field investigation report were mailed on July 10, 2013, to the following:

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