

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-10101 AND MAP 21334 TO ADD A LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-18126

WATER DIVISION 1-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18126 is held by Elting 1950.
2. Appropriation A-18126 has a priority date of December 24, 2002, and authorizes the use of water for irrigation of 344 acres of land. The water may be diverted from Elk Creek at points of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 03 North, Range 06 West of the 6<sup>th</sup> P.M. in Nuckolls 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 4.91 cfs from all points of diversion.
3. On January 19, 2024, Carl Elting, on behalf of Elting 1950, filed petition RLP-10101 in the Department for a permit to add a location of diversion for appropriation A-18126.
4. January 23, 2024, Carl Elting filed map number 21334 in the Department showing the location of the proposed pump site and the land to be irrigated under appropriation A-18126 through petition RLP-10101.
5. A scrivener's error was made on the Order of approval for A-18126 dated March 27, 2003. The gallons per minute calculates to **2003** rather than the **2000** as stated in the Order.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-10101 for a permit to change the location of diversion for appropriation A-18126 and map number 21334 are APPROVED.
2. Appropriation A-18126 through petition RLP-10101 is now A-18126R.
3. Appropriation A-18126R shall be shown in the Department's records authorizing the use of water to irrigate 344 acres of land described below and depicted on map number 21334, which is made a part of this Order. The water may be diverted from Elk Creek at points of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 07, Township 03 North, Range 05 West and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 03 North, Range 06 West of the 6<sup>th</sup> P.M. all in Nuckolls County, as depicted on map number 21334. Water

diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 4.91 cfs (2203 gallons per minute) from all points of diversion. The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 03 North, Range 06 West of the		
<u>6<sup>th</sup> P.M. in Nuckolls County</u>		<u>Acres</u>
Section 11:	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	37
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	37
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	5
Section 13:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	30
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	35
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5
	NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	20
	NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	35
	SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	25
	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>40</u>
	TOTAL	344

4. All terms and conditions of appropriation A-18126 remain in effect unless specifically changed by this Order.
5. 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 Order 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



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Thomas E. Riley, P.E., Director

March 4, 2024

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21334 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21334 were mailed to the following:

Carl Elting  
Elting 1950  
4383 Road W  
Edgar, Nebraska 68935