

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION RLP-7188 AND MAP 20318 TO CHANGE THE LOCATION OF  
DIVERSION FOR WATER APPROPRIATION A-12701

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12701 is held by Michael Nutting.
2. Appropriation A-12701 has a priority date of July 31, 1972, and authorizes the use of water for irrigation of 37 acres of land. The water may be diverted from Bazile Creek at a point of diversion located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 28 North, Range 05 West of the 6<sup>th</sup> 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 rate of 0.53 cfs.
3. On November 5, 2018, Michael Nutting filed in the Department petition RLP-7188 for a permit to change the location of diversion for appropriation A-12701.
4. On January 10, 2019, Michael Nutting filed map number 20318 depicting the location of pump site and the land to be irrigated under appropriation A 12701 through petition RLP-7188.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

1. Petition RLP-7188 for a permit to change the location of diversion for appropriation A-12701 and map number 20318 are APPROVED.
2. Appropriation A-12701 through petition RLP-7188 is now A-12701R.

3. Appropriation A-12701R shall be shown in the Department's records authorizing the use of water to irrigate 37 acres of land described below and depicted on map number 20318, which is made a part of this Order. The water may be diverted from Bazile Creek at a point of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 28 North, Range 05 West of the 6<sup>th</sup> P.M. in Antelope, as depicted on map number 20318. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.53 cfs (238 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year.

Township 28 North, Range 05 West of the  
6<sup>th</sup> P.M. in Antelope County Acres

Section 10: SE $\frac{1}{4}$ NW $\frac{1}{4}$  37

4. All terms and conditions of appropriation A-12701 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 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

January 16, 2019

  
Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20318 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 20318 were mailed on January 16, 2019, to the following:

Michael Nutting  
908 Bryant Avenue  
Creighton, Nebraska 68729