

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19732 AND MAP NUMBER 20596

WATER DIVISION 2-A

BACKGROUND

1. On October 26, 2020, Brian J. Osantowski filed in the Department of Natural Resources (Department) application A-19732 for a Permit to Appropriate Water.
2. On November 12, 2020, Brian J. Osantowski filed map number 20596 showing the land proposed to be irrigated under A-19732.

ORDER

IT IS HEREBY ORDERED that application A-19732 and map number 20596 are APPROVED subject to the following limitations and conditions:

1. The following is a description of all the land which is authorized to be irrigated (appurtenant land) under surface water appropriation A-19732 as depicted on map number 20596:

Township 15 North, Range 01 East of the 6 th P.M. in Butler County		Acres
Section 08:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27.7
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	28.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>39.8</u>
	TOTAL	128.0

2. Appropriation A-19732 has a priority date of October 26, 2020, and authorizes the appropriator the use of 60.5 acre-feet annually from Gruenewald Reservoir (storage appropriation A-12837) from a pump site located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 08, Township 15 North, Range 01 East of the 6th P.M. in Butler County, as depicted on map number 20596.
3. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 60.5 acre-feet per annum.
5. Only the land shown on map number 20596 may be irrigated under appropriation A-19732 unless a change is authorized by subsequent Order of the Department.

6. If during the course of construction of the irrigation project it is determined that there is a difference in the number and/or location of acres from the approved map, an amended project map may be filed for an equal or lesser number of acres prior to the beneficial use investigation deadline. The Department, at its sole discretion, must determine that the change from the original map remains within the original project concept and does not violate any rules and/or statutes and will not harm another appropriator. The amended map may then be approved by Order of the Department for an equal or lesser number of acres of land or amount of water than originally granted.
7. A measuring device, approved by the Department, may be required if so ordered by the Department.
8. The appropriator must comply with all relevant statutes. The statutes include, but are 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.
9. The appropriator must comply with the following deadlines:
 - A. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this Order. The water appropriated under A-19732 must be beneficially used by September 1, 2023.
10. After September 1, 2023, a field investigation will be conducted to determine the lands where water has been beneficially applied.
 - A. If the entire appropriation is found to have water beneficially applied, a Certificate of Perfected Appropriation will be issued by the Department for A-19732.
 - B. If a portion of the appropriation is found to have had water beneficially applied within the original project concept the Department may, at its discretion, modify the project map and land listing to represent the conditions found during the field investigation. The number of acres and diversion rate determined by the Department will not exceed what is granted by this Order. A Certificate of Perfected Appropriation specifying the final number of acres, location of acres and diversion rate will be issued by the Department for A-19732.

- C. If no portion of the appropriation is found to have water beneficially applied, the Department will issue an Order of Cancellation in Full for A-19732.

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 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.

DEPARTMENT OF NATURAL RESOURCES

December 21, 2020


Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20596 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 20596 were mailed on December 21, 2020, to the following:

Brian J. Osantowski
2433 144 Road
Columbus, Nebraska 68601