

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND APPROVAL OF EXPEDITED TRANSFER EXT-5117

FOR WATER APPROPRIATION A-5943

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-5943 is held by Rodney W. Skleba, Cory W. and Robin L. Skleba.
2. Appropriation A-5943 has a priority date of February 9, 1954, and authorizes the use of water for irrigation of 20.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.14 cfs from all points of diversion.

Township 7 North, Range 4 East of the	
<u>6<sup>th</sup> P.M. in Saline County</u>	<u>Acres</u>
Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>12.0</u>
TOTAL	20.0

3. On July 23, 2014, Cory W. and Robin L. Skleba (husband and wife), and Rodney W. Skleba, filed in the Department an *Allowance for Joint Ownership of an Appropriation* for appropriations A-5943 and A-18299.
4. On July 23, 2014, Rodney W. Skleba, Cory W. and Robin L. Skleba filed application EXT-5117 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-5943.
5. On August 27, 2014, Rodney W. Skleba filed map number 19022 showing the land proposed to be irrigated under appropriation A-5943 through transfer EXT-5117.

ORDER

IT IS HEREBY ORDERED:

1. Application A-5943 is divided into A-5943A and A-5943B.
2. Application EXT-5117 for a permit for an expedited transfer of the location of use and map number 19022 are APPROVED.
3. Appropriation A-5943A through transfer EXT-5117 authorizes the use of water to irrigate 8.0 acres of land described below and depicted on map number 19022, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.06 cfs (27 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 7 North, Range 4 East of the</u>		
<u>6<sup>th</sup> P.M. in Saline County</u>		<u>Acres</u>
Section 26:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.1
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>4.6</u>
	TOTAL	8.0

4. Land approved for irrigation under appropriation A-5943A is provided additional water by appropriation A-19206.
5. Appropriation A-5943B through transfer EXT-5117 authorizes the use of water to irrigate 12.0 acres of land described below and depicted on map number 19022, which is made a part of this Order. The water may be diverted from the Big Blue River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 7 North, Range 4 East of the 6<sup>th</sup> P.M. in Saline County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum rate of 0.08 cfs (36 gallons per minute). The total volume may not exceed 3 acre-feet per irrigated acre per year; not to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

<u>Township 7 North, Range 4 East of the</u>		
<u>6<sup>th</sup> P.M. in Saline County</u>		<u>Acres</u>
Section 26:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.4
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>1.6</u>
	TOTAL	12.0

6. Land approved for irrigation under appropriation A-5943B is provided additional water by appropriation A-18299B.
7. All terms and conditions of appropriation A-5943 remain in effect unless specifically changed by this Order.
8. 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

June 17, 2015

  
\_\_\_\_\_  
James C. Schneider, Ph.D.  
Acting 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 *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 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 19022 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19022 were mailed on June 17, 2015, to the following:

Rodney W. Skleba  
1071 County Road 2350  
Wilber, Nebraska 68465

Cory W. and Robin L. Skleba  
1171 County Road 2350  
Wilber, Nebraska 68465