

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-5603 FOR WATER APPROPRIATION D-517A

AND MAP NUMBER 19505

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation D-517A is held by Skavdahl Bros., Inc.
2. A review of the Department's records indicates that a scrivener's error was made on the location of the headgate of the Harris-Neese Canal. The correct legal description is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 03, Township 28 North, **Range 55 West** of the 6th P.M. in Sioux County rather than **Range 56 West**, as noted in the Order dated February 22, 2005.
3. Appropriation D-517A has a priority date of July 11, 1892, and authorizes the use of water for irrigation of the 202.0 acres of land described below. The water may be diverted from the Niobrara River via the headgate of the Harris-Neese Canal located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 03, Township 28 North, Range 55 West of the 6th P.M. in Sioux 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 2.89 cfs.

Township 29 North, Range 54 West of the 6 th P.M. in Sioux County	Acres
Section 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
TOTAL	202.0

4. On June 27, 2016, Charles H. Skavdahl, on behalf of Skavdahl Bros., Inc., filed application EXT-5603 for a permit for an expedited transfer of the location of use for a portion of land authorized to be irrigated by appropriation D-517A and map number 19505 showing that portion of land proposed to be irrigated under appropriation D-517A through transfer EXT-5603.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-5603 for a permit for an expedited transfer of the location of use and map number 19505 are APPROVED.
2. Transfer EXT-5603 authorizes the use of water to irrigate the 9.1 acres of land described below and depicted on map number 19505, which is made a part of this Order.

Township 29 North, Range 54 West of the 6 th P.M. in Sioux County	Acres
Section 31: SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.7
Township 28 North, Range 55 West of the 6 th P.M. in Sioux County	
Section 02: NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.8
TOTAL	9.1

3. Appropriation D-517A, through transfer EXT-5603, authorizes the use of water to irrigate the 202.0 acres of land described below and depicted on map number 19591, which is made a part of this Order.

Township 29 North, Range 54 West of the 6 th P.M. in Sioux County	Acres
Section 31: SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.7
Section 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Section 33: NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.9
SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
Township 28 North, Range 55 West of the 6 th P.M. in Sioux County	
Section 02: NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.8
TOTAL	202.0

4. The water may be diverted from the Niobrara River via the headgate of the Harris-Neece Canal located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 03, Township 28 North, Range 55 West of the 6th P.M. in Sioux County, as depicted on maps number 19505 and 19591. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 2.89 cfs (1,297 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.
5. All terms and conditions of appropriation D-517 and D-517A remain in effect unless specifically changed by this Order.
6. The appropriator must comply with all relevant statutes. These relevant statutory requirements 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.

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

August 15, 2016


Gordon W. Fassett, E.E., 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, 4th 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 maps number 19505 and 19591 were provided to the Department's field offices in Bridgeport and Crawford, Nebraska. Copies of this Order and maps number 19505 and 19591 were mailed on August 15, 2016, to the following:

Charles Skavdahl
Skavdahl Bros., Inc.
453 River Road
Harrison, Nebraska 69346

Daniel H. Skavdahl
Skavdahl, Edmund & Stecher
P.O. Box 156
Harrison, Nebraska 69346