

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND APPROVAL OF EXPEDITED TRANSFERS EXT-5113 AND EXT-5114

FOR WATER APPROPRIATION A-18299

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18299 is held by Cory W. Skleba.
2. Appropriation A-18299 has a priority date of April 18, 2005, and authorizes the use of water for irrigation of 59.7 acres of land described below. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 7 North, Range 4 East of the 6th P.M. in Saline County.

<u>Township 7 North, Range 4 East of the</u>	
<u>6th P.M. in Saline County</u>	
	<u>Acres</u>
Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.2
SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.5
SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>5.9</u>
SUB TOTAL	47.7

Water diverted for the above portion of appropriation A-18299 shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.68 cfs.

The following land was approved to provide additional water for land under appropriation A-5943:

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

Water diverted for the above portion of appropriation A-18299 shall not exceed the diversion ratio of one cfs of water for every 140 acres irrigated at a maximum rate of 0.09 cfs, and provides additional water for appropriation A-5943.

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, Cory W. and Robin L. Skleba filed application EXT-5113 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by that portion of appropriation A-18299 that provides additional water for appropriation A-5943.
5. On July 23, 2014, Cory W. and Robin L. Skleba, and Rodney W. Skleba filed application EXT-5114 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by a portion of appropriation A-18299 which receives the full rate of diversion.
6. On August 27, 2014, Cory W. Skleba filed map number 19018 showing the land proposed to be irrigated under appropriations A-18299A and A-18299B through transfers EXT-5113 and EXT-5114.

ORDER

IT IS HEREBY ORDERED:

1. Application A-18299 is divided into A-18299A and A-18299B.
2. Applications EXT-5113 and EXT-5114 for permits for expedited transfers of the location of use for appropriations A-18299A and A-18299B, respectively, and map number 19018 are APPROVED.
3. Appropriation A-18299A through transfer EXT-5114 authorizes the use of water to irrigate 47.7 acres of land described below and depicted on map number 19018, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NW¹/₄SW¹/₄ of Section 26, Township 7 North, Range 4 East of the 6th P.M. in Saline 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 0.68 cfs (305 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 6th P.M. in Saline County</u>	<u>Acres</u>
Section 26: SE ¹ / ₄ NW ¹ / ₄	1.6
NW ¹ / ₄ SW ¹ / ₄	4.7
NE ¹ / ₄ SW ¹ / ₄	28.5
SW ¹ / ₄ SW ¹ / ₄	7.6
SE ¹ / ₄ SW ¹ / ₄	<u>5.3</u>
TOTAL	47.7

4. Appropriation A-18299B through transfer EXT-5113 authorizes the use of water to irrigate 12.0 acres of land described below and depicted on map number 19018, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 7 North, Range 4 East of the 6th 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 0.09 cfs (40 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>6th 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

5. Appropriation A-18299B provides additional water for appropriation A-5943B.
6. All terms and conditions of appropriation A-18299 remain in effect unless specifically changed by this Order.
7. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
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, 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 map number 19018 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19018 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