

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-9759 FOR WATER APPROPRIATION A-4779

AND MAP NUMBER 21101

WATER DIVISION 2-E

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-4779 is held by Edward and Robbin Oldaker.
2. Appropriation A-4779 has a priority date of December 19, 1950, and authorizes the use of water for irrigation of the 32.5 acres of land described below. The water may be diverted from South Squaw Creek at a point of diversion located in the NW¹/₄SE¹/₄ of Section 10, Township 33 North, Range 57 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 0.47 cfs.

<u>Township 33 North, Range 57 West of the</u>		
<u>6th P.M. in Sioux County</u>		<u>Acres</u>
Section 10:	SE ¹ / ₄ NE ¹ / ₄	1.3
	NE ¹ / ₄ SE ¹ / ₄	20.0
	SE ¹ / ₄ SE ¹ / ₄	0.7
Section 11:	SW ¹ / ₄ NW ¹ / ₄	2.5
	NW ¹ / ₄ SW ¹ / ₄	<u>8.0</u>
	TOTAL	32.5

3. On January 23, 2023, Melvin Oldaker, on behalf of Edward and Robbin Oldaker, filed application EXT-9759 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-4779 and map number 21101 showing the land proposed to be irrigated under appropriation A-4779 through transfer EXT-9759.
4. On February 6, 2023, Melvin Oldaker corrected filed map number 21101.

ORDER

IT IS HEREBY ORDERED:

1. Application EXT-9759 for a permit for an expedited transfer of the location of use and map number 21101 are APPROVED.

2. Appropriation A-4779 through transfer EXT-9759 authorizes the use of water to irrigate 32.5 acres of land described below and depicted on map number 21101, which is made a part of this Order. The water may be diverted from South Squaw Creek at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 33 North, Range 57 West of the 6th P.M. in Sioux County, as depicted on map number 21101. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.47 cfs (211 gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 33 North, Range 57 West of the 6 th P.M. in Sioux County		Acres
Section 10:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.2
Section 11:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	<u>1.2</u>
	TOTAL	32.5

3. All terms and conditions of appropriation A-4779 remain in effect unless specifically changed by this Order.
4. A measuring device, approved by the Department, may be required if so ordered by the Department.
5. 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 Order 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 a portion or all of a perfected 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



Thomas E. Riley, P.E., Director

April 5, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21101 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and map number 21101 were mailed to the following:

Edward and Robbin Oldaker
622 Whitman Road
Harrison, Nebraska 69346

Melvin Oldaker
841 Parry Drive
Chadron, Nebraska 69337