

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19359, MAP OF RESERVOIR NUMBER 19337

AND PLAN OF RESERVOIR NUMBER 19270

WATER DIVISION 1-D

BACKGROUND

1. On April 29, 2015, Stephen D. Andersen, on behalf of the Spring Creek Sportsman's Club, LLC, filed in the Department of Natural Resources (Department) application A-19359 for a permit to appropriate water for the purpose of creating a wetland for waterfowl habitat, application for approval of plans for dams, specifications and plan of reservoir number 19270.
2. On August 11, 2015, J. Scott Sobotka, on behalf of the Lower Big Blue Natural Resources District, filed in the Department map of reservoir number 19337 depicting the location of the Dam that impounds water in Spring Creek Wetland.

ORDER

IT IS HEREBY ORDERED Application A-19359, map of reservoir number 19337 and plan of reservoir number 19270 are APPROVED subject to the following limitations and conditions:

1. The source of water is Swan Creek Reservoir Number 9, constructed under storage appropriation A-17625.
2. The priority date is April 29, 2015.
3. The water to be stored under this appropriation is for the purpose of creating a wetland for waterfowl habitat.
4. The amount of water that may be diverted shall not exceed 6.3 acre-feet per year to be stored in Spring Creek Wetland. The Dam that impounds water in Spring Creek Wetland will be located in the NE $\frac{1}{4}$ of Section 3, Township 5 North, Range 2 East of the 6th P.M. in Saline County as shown in map of reservoir number 19337 and plan of reservoir number 19270. Spring Creek Wetland will be an off-channel structure that will receive water pumped from the Swan Creek Reservoir Number 9 from a point of diversion located in the NE $\frac{1}{4}$ of Section 3, Township 5 North, Range 2 East of the 6th P.M. in Saline County as shown in map of reservoir number 19337 and plan of reservoir number 19270.

5. *Nebraska Revised Statutes* § 46-241(5) states in part, "The owner or possessor of a reservoir or intentional underground water storage facility does not have the right to store water in such reservoir or facility during the time that such water is required downstream in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls, or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass ... a portion of the measured inflows to furnish water for livestock"
6. The owner or possessor of the reservoir storing water pursuant to A-19359 shall have structural controls in place or other mechanical means to immediately reduce or stop pumping in such amounts and at such times if so ordered by the Department.
7. 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. Receive approval prior to taking any action that changes the storage capacity of this reservoir, map of reservoir number 19337 and plan of reservoir 19270, or the type of appropriation.
 - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - D. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.
8. The appropriator must comply with the following deadlines:
 - A. Construction of the structure must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. November 1, 2017 is the date construction of the structure must be completed.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES

August 21, 2015


Gordon W. Fassett, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval 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 Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval, map of reservoir number 19337 and plan of reservoir number 19270 were provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed to the following:

Tim Haakenstad
State Conservation Engineer
Natural Resources Conservation Service
345 Federal Building
100 Centennial Mall North
Lincoln NE 68508-3866:

Copies of this approval, map of reservoir number 19337 and plan of reservoir number 19270 were mailed on August 21, 2015, to the following:

Spring Creek Sportsman's Club, LLC
c/o Stephen Andersen
1621 Dixie Trail
Lincoln, Nebraska 68527

Lower Big Blue Natural Resources District
David Clabaugh, Manager
P.O. Box 826
Beatrice, Nebraska 68310