

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPROVAL OF APPLICATION A-18552  
WATER DIVISION 2-B

Background

On November 13, 2007, Jeff Wagner, P.E., on behalf of Seward County Road Department, filed application A-18552 in the Department of Natural Resources (Department) for a permit to impound water, application for approval of plans for dams, specifications and plan P-17120.

Order

IT IS HEREBY ORDERED:

Application A-18552, the application for approval of plans for dams and plan P-17120 are APPROVED subject to the following limitations and conditions.

1. The source of water is a tributary to the South Branch of Middle Creek.
2. The priority date is November 13, 2007.
3. The amount of water that may be diverted shall not exceed 29.3 acre-feet per year to be stored in the 168th and Pioneers Road Reservoir. The 168th and Pioneers Road Dam will be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  extending into the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, Township 9 North, Range 4 East of the 6th P.M. in Seward County.
4. 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, the specifications, plan P-17120, or the type of appropriation.
  - C. Construct, operate and maintain the structure in accordance with Section 46-241 RSS and the Safety of Dams and Reservoirs Act, Sections 46-1601 to 46-1670 RSS.
  - D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
  - E. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.



Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 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, engineering review report and plan P-17120 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and a Construction Certification Form for Dams were mailed to the following:

Jeff Wagner, P.E.  
Mainelli Wagner and Associates  
6920 Van Dorn Street, Suite A  
Lincoln, Nebraska 68506

Copies of this approval and plan P-17120 were mailed on October \_\_\_\_, 2009, to the following:

Seward County Road Department  
PO Box 190  
Seward, Nebraska 68434