

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION 18708

WATER DIVISION 2-A

BACKGROUND

1. On June 9, 2010, Kyle Simpson, on behalf of Riverside Land Company, filed in the Department of Natural Resources (Department) application A-18708 for a permit to impound water and plan P-17678.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-18708 and plan P-17678 are APPROVED subject to the following limitations and conditions:

1. The source of water is Bone Creek.
2. The priority date is June 9, 2010.
3. The amount of water that may be diverted shall not exceed 45.36 acre-feet per year to be stored in Lost Island Wetland. Lost Island Wetland Dam is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, Township 17 North, Range 3 East of the 6<sup>th</sup> P.M. in Butler 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, plan P-17678, 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.

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 31, 2010

  
Brian P. Dunnigan, 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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, 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 and plan P-17678 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and plan P-17678 were mailed on August \_\_\_\_\_, 2010, to the following:

Riverside Land Company  
Ron Simpson  
13017 238<sup>th</sup> Street  
Greenwood, Nebraska 68366-2121

Kyle Simpson  
PO Box 482  
Elkhorn, Nebraska 68022