

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18709

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-18709 for a permit to appropriate water and map/plan 17678.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-18709 is APPROVED subject to the following limitations and conditions:

1. The source of water is Bone Creek.
2. The water shall be used for the purpose of wetland enhancement.
3. The priority date is June 9, 2010.
4. The rate that water may be diverted under appropriation A-18709 shall not exceed one cubic foot per second (cfs) to provide flow through water in addition to storage appropriation A-18708, in Lost Island Wetland.
5. The appropriator must comply with all relevant statutes. The statutes 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. Getting 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.

DEADLINES

1. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-18709 must be beneficially used by September 1, 2013.

2. After September 1, 2013, a field investigation will be conducted to determine the amount of water used, after which an order of cancellation will be issued for any unused portions of appropriation A-18709.

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 result in the cancellation of the 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. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

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 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* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, 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 approval was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed on August 31, 2013, to the following:

Riverside Land Company
Ron Simpson
13017 238th Street
Greenwood, Nebraska 68366-2121

Kyle Simpson
PO Box 482
Elkhorn, Nebraska 68022