

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-2152

TO COMPLETE CONSTRUCTION UNDER APPROPRIATION A-18438

WATER DIVISION 1-A

BACKGROUND

1. On May 8, 2007, the Department of Natural Resources (Department) approved surface water application A-18438, filed by Central Platte Natural Resources District (District), for a permit to impound water. The approval was conditional upon the construction of the project being completed by October 1, 2008.
2. On May 21, 2008, Mike Placke, P.E., Project Engineer, on behalf of the District, filed a Petition for Extension of Time, EOT-1498. Petition EOT-1498 was approved and the deadline for construction completion was extended to October 1, 2011.
3. On August 8, 2011, Milt Moravek, Projects Director, on behalf of the District, filed a Petition for Extension of Time, EOT-2152, for the completion of construction of appropriation A-18438. The reasonable cause stated in the petition was due to an unavoidable delay caused by the clean-up of a buried disposal site by the United States Army Corps of Engineers. Petition EOT-2152 was filed in a timely manner prior to October 1, 2011 and requests that the completion of construction date is extended to August 11, 2014.
4. *Nebraska Revised Statute* § 46-238(2) provides that the Department may extend, for reasonable lengths of time, the time for commencing excavation or construction and completion of works as fixed in the approval of an application for the appropriation of water. Such extension may be granted upon a petition to the department and the showing of reasonable cause. Petitions EOT-2152 meets this requirement.

ORDER

It is therefore ORDERED:

1. Petition EOT-2152, for an extension of time in which to complete construction of works appurtenant to appropriation A-18438, is hereby APPROVED.
2. The date by which construction of works shall be completed for application A-18438 is extended to August 11, 2014.

3. All other conditions of the approval of application A-18438 remain in effect.

DEPARTMENT OF NATURAL RESOURCES

December 7, 2011

  
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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 (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

Copies of this Order were posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. A copy of this approval was mailed on December 7, 2011, to the following:

Central Platte Natural Resources District  
c/o Milt Moravek  
215 Kaufman Avenue  
Grand Island, Nebraska 68803