

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-2376 TO BEGIN CONSTRUCTION

AND PETITION EOT-2390 TO COMPLETE CONSTRUCTION

FOR WATER APPROPRIATION A-18786

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18786 is held by the Seward County Road Department.
2. Appropriation A-18786 has a priority date of May 31, 2011, and authorizes the appropriator to store 29.3 acre-feet of water in the 168th & Pioneers Road Reservoir. The 168th & Pioneers Road Dam will be located in the SE⁴NE⁴ of Section 10, Township 9 North, Range 4 East of the 6th P.M. in Seward County.
3. On August 16, 2011, appropriation A-18786 was approved. The approval of application A-18786 was conditional upon (1) construction of the project beginning within one year of the signing date of the application approval and (2) completion of the project being completed within two years of the signing date of the application approval.
4. On July 26, 2012, Ed Ubben, Projects Coordinator for Lower Platte South Natural Resources District (LPSNRD), on behalf of the Seward County Road Department, filed petition EOT-2376 in the Department requesting an extension of time to February 26, 2013, in which to begin construction of works related to appropriation A-18786. This petition was filed in a timely manner prior to the August 16, 2012, deadline which would have been twelve months after the signing date of the application approval. The reasonable cause stated in the petition requesting an extension of time for the beginning of construction of works for this project was that an error was discovered in the stage storage table on the plans.
5. On July 26, 2012, Ed Ubben, Projects Coordinator for LPSNRD, on behalf of the Seward County Road Department, filed petition EOT-2390 in the Department requesting an extension of time in which to finish construction of works related to appropriation A-18786 to October 1, 2014. This petition was filed in a timely manner prior to the October 1, 2013, deadline which would have been two years past the signing date of the application approval. The reasonable cause stated in the petition requesting an extension of time for construction completion for this project was that due to an error in the plans, the beginning of construction was delayed which may cause a delay in completing construction of this project.

6. 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-2067 and EOT-2079 meet this requirement.

ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-2376, for an extension of time in which to begin construction of works appurtenant to appropriation A-18786 is hereby APPROVED.
2. The date by which construction of works shall begin for application A-18786 is extended to February 26, 2013.
3. Petition EOT-2390, for an extension of time in which to complete construction of works appurtenant to appropriation A-18786 is hereby APPROVED.
4. The date by which construction of works shall be completed for application A-18786 is extended to October 1, 2014.

All other conditions of the approval of application A-18786 remain in effect.

DEPARTMENT OF NATURAL RESOURCES

October 5, 2012


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 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 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 Lincoln, Nebraska. A copy of this approval was mailed on October 5, 2012, to the following:

Seward County Road Department	Ed Ubben
P.O. Box 190	Lower Platte South Natural Resources District
Seward, Nebraska 68434	P.O. Box 83581
	Lincoln, Nebraska 68501-3581