

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18856

WATER DIVISION 2-A

BACKGROUND

1. On December 23, 2011, Jim Douglas, on behalf of Nebraska Game and Parks Commission, filed in the Department of Natural Resources (Department) application A-18856 for a permit to impound water and specifications according to *Title 457 Neb. Admin. Code Chapter 11*, and plan P-18056 for the rehabilitation of the existing Victoria Reservoir.

ORDER

IT IS HEREBY ORDERED Application A-18856 and plan P-18056 are APPROVED subject to the following limitations and conditions:

1. The source of water is a Tributary to Victoria Creek.
2. The priority date is December 23, 2011.
3. The amount of water that may be diverted shall not exceed 35.5 acre-feet per year to be stored in Victoria Reservoir. Victoria Dam will be located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20, Township 19 North, Range 21 West of the 6th P.M. in Custer County.
4. Victoria Dam has a stop-log structure which functions as an outlet which may pass inflow as necessary into Victoria Creek.
5. Pursuant to *Neb. Rev. Stat. § 46-241(5)*, the owner or possessor of a reservoir does not have the right to store water in such reservoir during the time that such water is required in ditches for direct irrigation or for any reservoir or facility holding a senior right.
6. 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-18056, 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.

7. The appropriator must comply with the following deadlines.
 - A. Rehabilitation of the structure must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. Rehabilitation of the structure must be completed by October 1, 2014.

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

May 3, 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 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 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 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-18056 were provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed to the following:

EA Engineering Science and Technology, Inc
c/o Lucas Rief
221 Sun Valley Boulevard, Suite D
Lincoln, Nebraska 68528

Copies of this approval and plan P-18056 were mailed on May 3, 2012, to the following:

Nebraska Game and Parks Commission
c/o Jim Douglas
2200 North 33rd Street
Lincoln, Nebraska 68503