

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18907 AND MAP 18175

WATER DIVISION 2-B

BACKGROUND

On April 5, 2012, Bruce Hocking, President of Wedgewood Lake Association, filed in the Department of Natural Resources (Department) application A-18907 for a permit to impound water and map 18175 for the rehabilitation of the existing Wedgewood Lake's inundation area.

ORDER

IT IS HEREBY ORDERED Application A-18907 and map 18175 are APPROVED subject to the following limitations and conditions:

1. The source of water is Dead Man's Run.
2. The priority date is April 5, 2012.
3. The amount of water that may be diverted shall not exceed 60.0 acre-feet per year to be stored in the existing Wedgewood Lake. Wedgewood Lake dam is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ extending into the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 10 North, Range 7 East of the 6th P.M. in Lancaster County.
4. Appropriation A-18907 provides supplemental storage water to appropriation A-9864. The amount of storage allowed in Wedgewood Lake includes both appropriations for a total of 144.0 acre-feet per year.
5. Plan P-18198 approved under appropriation A-9864 depicts the rehabilitation of the dam structure with no change in the elevation of the normal pool, and fulfills the requirements for Neb. Rev. Stat. § 46-241 and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670, for Wedgewood Lake.
6. Neb. Rev. Stat. § 46-241(5) states in part, "The owner or possessor of a reservoir or intentional underground water storage facility does not have the right to store water in such reservoir or facility during the time that such water is required in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass ... a portion of the measured inflows to furnish water for livestock"

7. The owner or possessor of the reservoir storing water pursuant to A-18907 and A-9864 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
8. 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, the specifications, plan P-18198, map 18175 or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with *Neb. Rev. Stat. § 46-241* and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
 - D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - E. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.
9. The appropriator must comply with the following deadlines:
 - A. Construction of the rehabilitation of the inundation area 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. October 1, 2014 is the date construction of the rehabilitation of the inundation area must be completed.

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

July 27, 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 and map 18175 were provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed to the following:

Andrew Appleget
The Flatwater Group, Inc.
8200 Cody Drive, Suite A
Lincoln, NE 68512

Copies of this approval and map 18175 were mailed on July 27, 2012, to the following:

Bruce Hocking, President
Wedgewood Lake Association
P.O. Box 57566
Lincoln, NE 68505