

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF PETITION FOR EXTENSION OF TIME EOT-2163

FOR APPROPRIATION A-18663

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18663 is held by Papio-Missouri River Natural Resources District.
2. Appropriation A-18663 has a priority date of May 18, 2009, and authorizes the appropriator to store an additional 43.0 acre-feet of water from Richter Branch in W-3 Reservoir. W-3 Reservoir was constructed under appropriation A-16168 to store 44.0 acre-feet per year. Total storage allowed in W-3 Reservoir is 87.0 acre-feet per year. W-3 Dam is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 27, Township 18 North, Range 11 East of the 6<sup>th</sup> P.M. in Washington County.
3. On September 16, 2011, Martin P. Cleveland, P.E., on behalf of Papio-Missouri River Natural Resources District, filed petition EOT-2163 in the Department requesting an extension of time in which to complete construction of the dam rehabilitation permitted under appropriation A-18663. The request was to extend the completion date from October 1, 2011, to December 31, 2011.
4. On September 27, 2011, Martin P. Cleveland, P.E., on behalf of Papio-Missouri River Natural Resources District, filed correspondence in the Department requesting the extension petition be dismissed, due to anticipated construction completion by October 1, 2011.

ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-2163 is DISMISSED.

2. Upon Completion of the structure, the appropriator shall file with the Department the enclosed Construction Certification Form for Dams. Following receipt of this form, an approval to operate shall be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this approval. No impoundment in the structure shall occur prior to issuance of the approval to operate.

DEPARTMENT OF NATURAL RESOURCES

December 7, 2011

  
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.

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

Tim Haakenstad  
State Conservation Engineer  
Natural Resources Conservation Service  
345 Federal Building  
100 Centennial Mall North  
Lincoln, Nebraska 68508-3866

John Walker, General Manager  
Papio-Missouri River Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska 68138-3621