STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF PETITION VAR-3488

FOR A PERMIT FOR TO APPROPRIATE WATER

WATER DIVISION 1-B

BACKGROUND

1. On January 28, 2013, Clyde Lueking, on behalf of Lueking Brothers Trust, filed in the Department of Natural Resources (Department) petition VAR-3488 for leave to file an application for a new surface water appropriation within a moratorium area. The unpermitted reservoir is located in the SW¼SE¼ of Section 22, Township 3 North, Range 22 West of the 6th P.M. in Furnas County.

2. The status of petition VAR-3488 is pending.

3. On March 21, 2013, Shane Stanton and Adam Sund conducted a reservoir compliance visit and determined that the dam located in the SW¼SE¼ of the above mentioned legal description had been fully breached and that no water can be stored behind the dam.

4. On June 4, 2013, Tim Gokie, P.E., Chief of Dam Safety of the Department determined that the normal storage capacity for the reservoir is below 15 acre-feet.

5. On June 5, 2013, Clyde Lueking, on behalf of Lueking Brothers Trust, filed in the Department correspondence requesting that petition VAR-3488 be dismissed.

ORDER

IT IS HEREBY ORDERED petition VAR-3488 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

June 27, 2013

Brian P. Dunnigan, P.E., Director

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 Cambridge, Nebraska. A copy of this Order was mailed on June 27, 2013, to the following:

Clyde Lueking
Lueking Brothers Trust
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