

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-18786
AND PLAN P-17872

WATER DIVISION 2-B

BACKGROUND

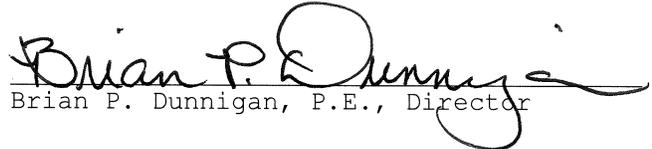
1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18786 is held by the Seward County Roads Department.
2. Appropriation A-18786 has a priority date of May 31, 2011, and authorizes the appropriator to store 29.3 acre-feet of water in the 168th & Pioneers Road Reservoir. The 168th & Pioneers Road Dam will be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 9 North, Range 4 East of the 6th P.M. in Seward County.
3. On August 16, 2011, the Department approved application A-18786 and plan P-17872. 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 Roads 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 October 5, 2012, the Department granted petition EOT-2376 for an extension of time in which to begin construction of works appurtenant to appropriation A-18786. The date by which construction of works was to begin for application A-18786 was extended to February 26, 2013.
6. On July 15, 2014, the Department received information that construction of the project appurtenant to appropriation A-18786 has not begun.
7. *Nebraska Revised Statutes* § 46-238 provides that a failure to comply with the condition to begin construction by the February 26, 2013, deadline shall result in the forfeiture of the appropriation and all associated rights

ORDER

IT IS HEREBY ORDERED that appropriation A-18786 and plan P-17872 are CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

August 19, 2014


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on August 19, 2014, to the following:

Seward County Roads Department
P.O. Box 190
Seward, Nebraska 68434

Ed Ubben
Lower Platte South Natural Resources District
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