

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

AMENDED ORDER OF CANCELLATION IN PART AND APPROVAL OF
PLAN NUMBER P-8520 DATED DECEMBER 15, 2010,
FOR WATER APPROPRIATION A-16418
WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-16418 is held by the Lower Platte South Natural Resources District (LPSNRD). The LPSNRD at P.O. Box 83581, Lincoln, Nebraska, 68501, is responsible for operation of the structure and holds easements with landowners of the property on which the dam and flood pool are located.
2. Appropriation A-16418 has a priority date of July 9, 1985, and originally authorized the impoundment of 41.60 acre-feet of water per year from a tributary to the East Branch of Salt Creek to be stored in the Upper Salt Reservoir 19-B, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 9 North, Range 7 East of the 6th P.M. in Lancaster County.
3. On September 21, 2010, Paul Zillig, Assistant General Manager, on behalf of LPSNRD, filed in the Department plan P-8520 for reconstruction of the of the dam subject to the *Safety of Dams and Reservoirs Act*, application for approval of plans for dams and specifications. These plans indicated the capacity at normal pool to be 34.0 acre-feet of water in Upper Salt Reservoir 19-B.
4. On December 1, 2010, Paul Zillig, Assistant General Manager, on behalf of LPSNRD, filed in the Department a partial relinquishment of water appropriation, REL-2009, relinquishing the right to store 7.6 acre-feet of water under appropriation A-16418, in order to be congruent with the volume stated on plan P-8520 filed on September 21, 2010.
5. On December 15, 2010, the Department cancelled 7.6 acre-feet of water under appropriation A-16418.
6. On March 25, 2014, Ed Ubben, Projects Coordinator, on behalf of the LPSNRD, filed in the Department a construction certification form for dams, and as-built plans, plan P-8520, of the renovation of Upper Salt Reservoir 19-B. These plans indicate the capacity at normal pool to be 37.37 acre-feet of water in Upper Salt Reservoir 19-B, therefore the 7.6 acre-feet cancelled was greater than the amount that should have been cancelled. The amount that should have been cancelled is 4.23 acre-feet.

ORDER

IT IS HEREBY ORDERED:

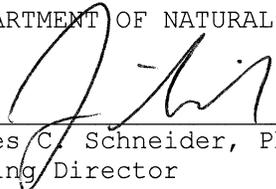
1. The Order of cancellation in part of appropriation A-16418 and Approval of Plan P-8520 issued by the Department on December 15, 2010, is AMENDED.
2. Part of appropriation A-16418 in the amount of 4.23 acre-feet is CANCELLED.
3. The Application for Approval of Plans for Dams and plan P-8520 are APPROVED as mailed on December 15, 2010.
4. Appropriation A-16418 has a priority date of July 9, 1985, and authorizes the impoundment of 37.37 acre-feet of water per year from a tributary to the East Branch of Salt Creek stored in the Upper Salt Reservoir 19-B, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 9 North, Range 7 East of the 6th P.M. in Lancaster County.
5. All terms and conditions of appropriation A-16418 remain in effect unless specifically changed by this Order.
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, the specifications, plan P-8520, or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with § 46-241 RSS and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670 RSS.
 - 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.

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

January 28, 2015


James C. Schneider, Ph.D.
Acting 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 Lincoln, Nebraska. A copy of this Order was mailed on January 28, 2015, to the following:

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

Paul Zillig, Assistant General Manager
Lower Platte South Natural Resources District
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Lincoln, Nebraska 68501