

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPROVAL OF APPLICATION A-19197
AND PLAN OF RESERVOIR 19120
WATER DIVISION 1-D

BACKGROUND

1. On February 20, 2014, Gary L. and Mary Jo Bures filed in the Department of Natural Resources (Department) application A-19197 for a permit to impound water.
2. On November 21, 2014, Gary L. Bures filed in the Department plan of reservoir 19120 depicting Bures Pond for application A-19197.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19197 and plan of reservoir 19120 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Elm Creek.
2. The priority date is February 20, 2014.
3. The water to be stored under this appropriation is for the purpose of recreation.
4. The amount of water that may be diverted shall not exceed 5.7 acre-feet per year to be stored in Bures Pond. The dam that impounds water in Bures Pond is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 2 North, Range 5 East of the 6th P.M. in Gage County. Bures Pond is an off-channel structure that will receive water from a tributary to Elm Creek at a pumpsite located on the left bank of the stream SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 2 North, Range 5 East of the 6th P.M. in Gage County.
5. *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"

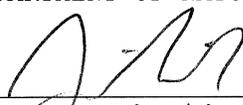
6. The owner or possessor of the reservoir storing water pursuant to A-19197 shall have structural controls in place or other mechanical means to immediately reduce or stop pumping in such amounts and at such times if so ordered by the Department.
7. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.
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, plan of reservoir 19120, or the type of appropriation.
 - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - D. 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

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 plan of reservoir 19120 were provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed to the following:

Tony Duever, P.E.
CES Group, P.A.
1102 Broadway
Marysville, Kansas 66508

Copies of this approval and plan of reservoir 19120 were mailed on January 28, 2015, to the following:

Gary L. and Mary Jo Bures
8964 West Plum Road
Odell, Nebraska 68415