

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF PETITION VAR-4690 FOR LEAVE TO FILE OR CONSIDER
AN APPLICATION FOR A NEW SURFACE WATER APPROPRIATION WITHIN
A MORATORIUM OR STAY AREA

WATER DIVISION 1-B

BACKGROUND

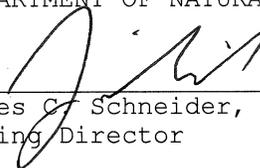
1. On July 14, 2004, the Department of Natural Resources (Department) issued an Order declaring a formal moratorium in the Republican River Basin on the issuance of all new surface water appropriations.
2. On May 20, 2013, Mark E. and Cathy M. Heskett (Petitioner) filed in the Department petition VAR-4690 for Leave to File or Consider an Application for a New Surface Water Appropriation within a Moratorium Area (Petition). The draft application and documentation attached to the petition is for a permit to impound approximately 15.1 acre-feet of water from a tributary to Driftwood Creek in the existing Driftwood Pond located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 2 North, Range 30 West of the 6th P.M. in Red Willow County for the purpose of water for livestock and recreation.
3. An aerial photograph of Section 17, Township 2 North, Range 30 West of the 6th P.M. in Red Willow County, taken in 1993, was filed with petition VAR-4690 and shows that the Driftwood Pond was constructed and impounding water at that time.
4. Subsequently, the Department received additional information that the normal storage capacity of the reservoir located in Section 17, Township 2 North, Range 30 West of the 6th P.M. in Red Willow County is 11.2 acre-feet. A reservoir that stores less than 15.0 acre-feet and is not used for a beneficial purpose such as irrigation is not jurisdictional.
5. On December 11, 2014, Mark E. Heskett filed correspondence in the Department requesting withdrawal of petition VAR-4690.

ORDER

IT IS HEREBY ORDERED petition VAR-4690 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

January 13, 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 Cambridge, Nebraska. A copy of this Order was mailed on January 13, 2015, to the following:

Mark E. and Cathy M. Heskett
38014 Road 711
McCook, Nebraska 69001