

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF PETITON VAR-3586

FOR LEAVE TO FILE OR CONSIDER AN APPLICATION

FOR A NEW SURFACE WATER APPROPRIATION IN 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 February 28, 2013, Von Johnson, on behalf of PLJ Family Farms, LLC (Petitioner), filed petition VAR-3586 in the Department 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 27 acre-feet of water from a tributary to the Republican River in the existing Johnson Detention Reservoir 3 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, Township 3 North, Range 25 West of the 6<sup>th</sup> P.M. in Furnas County for the purpose of erosion control and water for livestock.
3. The status of petition VAR-3586 is pending.
4. On December 30, 2103, the Department's Dam Safety Division determined that the normal storage capacity of the Johnson Detention Reservoir 3 is 12 acre-feet and a surface water permit is not required.
5. On January 6, 2014, Von Johnson, on behalf of PLJ Family Farms, LLC, filed correspondence in the Department requesting withdrawal of petition VAR-3586.

CONCLUSIONS

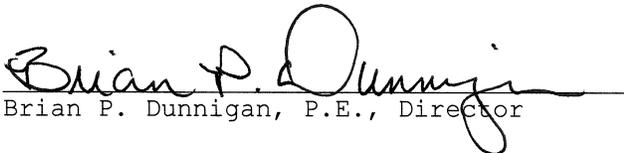
1. The Petitioner does not wish to pursue permitting Johnson Detention Reservoir 3 and has requested dismissal of petition VAR-3586.
2. The Department has determined that a permit is not required for Johnson Detention Reservoir 3. Therefore, petition VAR-3586 should be dismissed.

ORDER

IT IS HEREBY ORDERED petition VAR-3586 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

January 17, 2014

  
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 January 17, 2014, to the following:

Von Johnson  
PLJ Family Farms, LLC  
41281 Drive 720  
Cambridge, Nebraska 69022