

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19415

PLAN OF RESERVOIR 19502 AND MAP OF RESERVOIR 19504

WATER DIVISION 1-D

BACKGROUND

1. On January 13, 2016, Amy L. Harris, on behalf of Swan Creek Properties, LLC, filed in the Department of Natural Resources (Department) application A-19415 for a permit to impound water for the purpose of recreation, water for livestock.
2. On March 24, 2016, Matthew Harris filed in the Department plan of reservoir 19502 and specifications according to *Title 457 Neb. Admin. Code Chapter 11*.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19415, plan of reservoir 19502 and map of reservoir 19504 are APPROVED subject to the following limitations and conditions:

1. The priority date is January 13, 2016.
2. The source of water is the North Fork of Swan Creek. Water shall be diverted from a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 06 North, Range 02 East of the 6th P.M. in Saline County.
3. The amount of water that may be diverted shall not exceed 5.7 acre-feet per year to be stored in Harris Farm Pond Reservoir. Harris Farm Pond Dam is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 06 North, Range 02 East of the 6th P.M. in Saline County.
4. *Nebraska Revised Statutes* § 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 downstream 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"
5. The owner or possessor of the reservoir storing water pursuant to A-19415 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.

6. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to discontinue diversion if Compact flows are not being met.
7. A measuring device, approved by the Department, may be required if so ordered by the Department.
8. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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 19502, 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

April 26, 2016


Gordon W. Fassett P.E., 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, plan of reservoir 19502, and map of reservoir 19504 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and plan of reservoir 19502 and map of reservoir 19504 were mailed on April 26, 2016, to the following:

Swan Creek Properties, LLC
Matthew and Amy L. Harris
6202 Barbara Lane
Lincoln, Nebraska 68512