

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-5978
TO COMPLETE CONSTRUCTION FOR WATER APPROPRIATION A-19117

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-19117 is held by Jamie P. and Tammi L. Carstens.
2. Appropriation A-19117 has a priority date of July 26, 2013, and authorizes the appropriator to store 30.3 acre-feet of water in Carstens Pond. The water may be diverted from a tributary to Bear Creek at a point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 05 North, Range 07 East of the 6th P.M. in Gage County.
3. The approval of appropriation A-19117 was conditional upon construction of the structure having begun by July 28, 2016, twelve months after the approval of application A-19117 and completion of the structure was to be November 1, 2016.
4. The Department has received information that construction of Carstens Pond began prior to the July 28, 2016, deadline.
5. On October 3, 2016, Norman D. Koester, P.E., on behalf of Jamie P. and Tammi L. Carstens, filed in the Department petition EOT-5978 requesting an extension of time to December 1, 2017, in which to complete construction because of numerous storm-related repair projects. This petition was filed in a timely manner prior to the November 1, 2016, deadline.
6. Therefore, petition EOT-5978 should be granted.

ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-5978 requesting an extension of time to complete construction is hereby GRANTED.
2. The deadline to complete construction of Carstens Pond authorized under appropriation A-19117 is extended to December 1, 2017.

3. All terms and conditions of appropriation A-19117 remain in effect unless specifically changed by this Order.

DEPARTMENT OF NATURAL RESOURCES

October 18, 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 Order 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 order and be accompanied by a filing fee of \$10.

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 October 18, 2016, to the following:

Jamie P. and Tammi L. Carstens
1100 West Sargent Road
Beatrice, Nebraska 68310

Gary L. and Judy L. Carstens
2592 West Cherry Road
Pickrell, Nebraska 68422

Norman D. Koester, P.E.
8891 Verdon Circle
Beaver Lake, Nebraska 68048