

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-19469 AND DESIGN PLAN 19721

WATER DIVISION 2-F

BACKGROUND

1. On October 4, 2016, James E. Theiler, P.E., CSO Program Manager, Public Works Design Division, City of Omaha, filed in the Department of Natural Resources (Department) application A-19469 for a permit to impound water for the purpose of storm water control and design plan 19721 and specifications according to *Title 457 Neb. Admin. Code Chapter 11*.
2. The source of water is surface runoff to be held in Fontenelle Park Lagoon located in the SW $\frac{1}{4}$ of Section 05, Township 15 North, Range 13 East of the 6th P.M. in Douglas County.
3. The structure impounding water in Fontenelle Park Lagoon is not on a natural channel or watercourse and is not subject to *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
4. Fontenelle Park Lagoon (A-19469) is a detention basin designed for the capture of storm water and surface runoff and does not impound water from a 'watercourse' as defined by *Nebraska Revised Statutes § 31-202*. Therefore, the Department lacks jurisdiction under *Nebraska Revised Statutes Chapter 46* to regulate the construction or operation of the project.
5. Therefore, application A-19469 should be DISMISSED.

ORDER

IT IS HEREBY ORDERED application A-19469 and Design Plan 19721 are DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

January 20, 2017


Gordon W. Fassett, 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 Norfolk, Nebraska. A copy of this Order was mailed on January 20, 2017, to the following:

James E. Theiler, P.E., CSO Program Manager
City of Omaha, Public Works Design Division
1819 Farnam Street, Suite 604
Omaha, Nebraska 68183