

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19488,
PLAN OF RESERVOIR 19719 AND MAP OF RESERVOIR 19759

WATER DIVISION 1-F

BACKGROUND

1. On October 3, 2016, Julie A. Meisinger filed in the Department of Natural Resources (Department) plan of reservoir 19719 and specifications according to *Title 457 Neb. Admin. Code Chapter 11*.
2. On November 28, 2016, Julie A. Meisinger filed in the Department application A-19488 for a permit to impound water.

ORDER

IT IS HEREBY ORDERED Application A-19488, plan of reservoir 19719 and map of reservoir 19759 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the North Fork of the Big Nemaha River.
2. The priority date is November 28, 2016.
3. The amount of water that may be diverted shall not exceed 18.9 acre-feet per year to be stored in Meisinger Reservoir. Meisinger Dam is located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11, Township 05 North, Range 10 East of the 6th P.M. in Johnson 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-19488 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. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
7. 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 written approval prior to taking any action that changes the storage capacity of this reservoir, Plan of reservoir number 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.
8. The appropriator must comply with the following deadlines:
 - A. Construction of the structure must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
 - B. November 1, 2018 is the date construction of the structure must be completed.

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

January 9, 2017


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 and plan of reservoir 19719, and map of reservoir 19759 were provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed to the following:

Michael Sotak, P.E.
FYRA Engineering
12702 Westport Parkway, Suite 300
Omaha, Nebraska 68138

Copies of this approval and plan of reservoir 19719 and map of reservoir 19759 were mailed on January 9, 2017, to the following:

Julie A. Meisinger
36903 East Park Highway
Louisville, Nebraska 68037