

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18768

WATER DIVISION 2-C

BACKGROUND

1. On April 11, 2011, Richard L. and Sharalyn E. Wells filed in the Department of Natural Resources (Department) application A-18768 for a permit to impound water and petition DWV-2080, a petition for a waiver of drawdown requirement.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-18768 and DWV-2080 are APPROVED subject to the following limitations and conditions:

1. The source of water is Blackbird Creek.
2. The priority date is April 11, 2011.
3. The amount of water that may be diverted shall not exceed 14 acre-feet per year to be stored in Blackbird Reservoir. Blackbird Dam is located in the NW~~1/4~~<sup>1/4</sup> of Section 21, Township 31 North, Range 11 West of the 6<sup>th</sup> P.M. in Holt County.
4. A waiver of the requirement for a drawdown, DWV-2080, has been granted. This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs, unless the appropriator is a political subdivision. The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.
5. The appropriator must comply with all relevant statutes. This includes, but is 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 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.

6. The appropriator is required to file a map in accordance with *Title 457 Neb. Admin. Code* Chapter 11 within six months of the signing date of this application approval. The project map must be prepared and signed by a professional engineer.

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

December 2, 2011

  
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Brian P. Dunnigan, 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, 4<sup>th</sup> 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 and provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed on December 2, 2011, to the following:

Richard L. and Sharalyn E. Wells  
85797 Highway 14  
Brunswick, Nebraska 68720