

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19810, PLAN NUMBER 20912

AND MAP OF RESERVOIR NUMBER 20916

WATER DIVISION 1-F

BACKGROUND

1. On February 14, 2022, Benjamin M. Robison filed in the Department of Natural Resources (Department) application A-19810 for a permit to impound water, application for approval of plans for dams, construction specifications and plan number 20912.
2. The plan is for a proposed dam subject to the *Safety of Dams and Reservoirs Act*.
3. Jacob C. Robison, P.E., of Twin Oaks Consulting LLC, 62451 Highway 62, Elk Creek, Nebraska, 68348, prepared the plans and specifications.
4. The drawings and construction specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.

ORDER

IT IS HEREBY ORDERED Application A-19810 and plan number 20912 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 February 14, 2022.
3. The water to be stored under this appropriation is for the purpose of providing water for an irrigation project authorized under natural-flow appropriation A-19809.
4. The amount of water that may be diverted shall not exceed 34.0 acre-feet per year to be stored in Robison Reservoir. Robison Dam will be located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 04 North, Range 12 East of the 6th P.M. in Johnson County as shown on map of reservoir 20916 which is made a part of this Order.

5. *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"
6. The owner or possessor of the reservoir storing water pursuant to A-19810 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.
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 approval prior to taking any action that changes the storage capacity of this reservoir, the construction specifications, plan number 20912, or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with *Neb. Rev. Stat.* § 46-241 and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
 - D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - E. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.
10. The appropriator must comply with the following deadlines:
 - A. The owner of the dam shall provide written notice to the Department at least ten days before construction, reconstruction, enlargement, alteration, breach, removal, or abandonment of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer or the Construction Inspector of the Department's Dam Safety Section. Notices may be delivered to the Department by mail, facsimile or electronic mail.
 - B. 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.
 - C. November 1, 2023, is the date construction of the structure must be completed.
 - D. Upon completion of the structure, the appropriator shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate shall be issued by the Department if it determines that the dam is safe

to impound within the limitations outlined in this Order. No impoundment in the structure shall occur prior to issuance of the approval to operate.

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



Thomas E. Riley, P.E., Director

April 26, 2022

A copy of this Order was posted on the Department's website. Copies of this Order, engineering review report, plan number 20912 and map of reservoir 20916 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and a "Construction Certification Form for Dams" were mailed to the following:

Jacob C. Robison, P.E.
Twin Oaks Consulting
62451 Hwy 62
Elk Creek, Nebraska 68348

Copies of this Order, plan number 20912, map of reservoir 20916 and a "Construction Certification Form for Dams" were mailed to the following:

Benjamin J. M. Robison
72060 625 Ave.
Elk Creek, Nebraska 68348