

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19861,

PLAN OF RESERVOIR 21028 AND MAP OF RESERVOIR 21034

WATER DIVISION 2-B

BACKGROUND

1. On June 15, 2022, Paula Dennison, on behalf of the City of Gretna, filed in the Department of Natural Resources (Department) application A-19861 for a permit to impound water.
2. On June 22, 2022, Dennis Stille, P.E., JEO Consulting Group filed in the Department plan of reservoir 21028 according to *Title 457 Neb. Admin. Code Chapter 11* for application A-19861.
3. On August 16, 2022, Dennis Stille, P.E., corrected filed plan of reservoir 21028.

ORDER

IT IS HEREBY ORDERED Application A-19861, plan of reservoir 21028 and map of reservoir 21034 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Buffalo Creek.
2. The priority date is June 15, 2022.
3. The water to be stored under this appropriation is for the purpose of providing recreation, flood control and water quality.
4. The amount of water that may be diverted shall not exceed 18.0 acre-feet per year to be stored in Gretna Crossing Park Reservoir. Gretna Crossing Park Dam will be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 01, Township 13 North, Range 10 East of the 6th P.M. in Sarpy County.
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-19861 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. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
8. 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 21028 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.
9. 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, 2024 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



Thomas E. Riley, P.E., Director

August 30, 2022

A copy of this Order was posted on the Department's website. Copies of this Order, plan of reservoir 21028 and map of reservoir 21034 were provided to the Department's field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Paula Dennison
City of Gretna
P.O. Box 69
Gretna, Nebraska 68028

Dennis Stille
JEO Consulting Group
2700 Fletcher Avenue
Lincoln, Nebraska 68504