

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19883 MAP OF RESERVOIR 21120

WATER DIVISION 2-C

BACKGROUND

1. On December 1, 2022, Donald D. Linse, on behalf of the Ruth Anne Farnsworth Revocable Trust, filed in the Department of Natural Resources (Department) application A-19883 for a permit to impound water.
2. This is an existing dam, previously unpermitted, that is being rebuilt with a storage permit.

ORDER

IT IS HEREBY ORDERED Application A-19883 and map of reservoir 21120 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Burton Creek.
2. The priority date is December 1, 2022.
3. The water to be stored under this appropriation is for the purpose of providing water for livestock.
4. The amount of water that may be diverted shall not exceed 17 acre-feet per year to be stored in Home Site Reservoir. Home Site Dam will be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 34 North, Range 19 West of the 6th P.M. in Keya Paha 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-19883 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 21119 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. A plan of reservoir according to *Department of Natural Resources Rules of Practice and Procedure, Title 457 Neb. Admin. Code Chapter 11* must be filed within six months of the signing date of this application approval. The plan shall be prepared by a professional engineer and shall include a statement as to the hazard classification of the dam and whether it is subject to the Safety of Dams and Reservoirs Act. If the stage-storage table indicates normal pool capacity is less than 17 acre-feet, then the amount of water that may be diverted will be reduced. No rights shall be deemed to have been acquired until the provisions of this paragraph have been complied with, and a failure to do so shall cause a forfeiture of the appropriation and all rights thereof.
 - B. Construction on 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, 2024, is the date construction on 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

January 17, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and plan of reservoir 21119, and map of reservoir 21120 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, plan of reservoir 21119 and map of reservoir 21120 were mailed to the following:

Ruth Anne Farnsworth Revocable
Trust
28332 294th Avenue
Winner, South Dakota 57580

Donald D. Linse
44116 906th Road
Springview, Nebraska 68778