

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPROVAL OF APPLICATION A-19936
AND PLAN OF RESERVOIR 21250
WATER DIVISION 1-D

BACKGROUND

On July 14, 2023, Carey and Alyssa Hendrix, on behalf of C & A Complex Management, LLC, filed in the Department of Natural Resources (Department) application A-19936 for a permit to impound water and plan of reservoir 21250 according to Title 457 Neb. Admin. Code Chapter 11.

ORDER

IT IS HEREBY ORDERED Application A-19936 and plan of reservoir 21250 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the Big Blue River.
2. The priority date is July 14, 2023.
3. The water to be stored under this appropriation is for the purpose of providing recreation and erosion control.
4. The amount of water that may be diverted shall not exceed 37.1 acre-feet per year to be stored in Hendrix Pond. Hendrix Dam will be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 10 North, Range 03 East of the 6th P.M. in Seward 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. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
7. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.

8. The owner or possessor of the reservoir storing water pursuant to A-19936 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.
9. 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 21149 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.
10. 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, 2025, is the date construction of the structure must be completed.
 - C. The applicant has a preferred right to file an application for a permit to appropriate the water stored for some useful purpose until May 1, 2025.

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 31, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and plan of reservoir 21250 were provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

Jacob R. Vasa, P.E.
Short Elliott Hendrickson, Inc.
15750 Dodge Road
Omaha, Nebraska 68118
jvasa@sehinc.com

Copies of this Order and plan of reservoir 21250 were mailed to the following:

Carey and Alyssa Hendrix
P.O. Box 305
Seward, Nebraska 68434
kachinvestments@gmail.com