

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19948 AND MAP NUMBER 21302

WATER DIVISION 1-A

BACKGROUND

1. On July 14, 2004, the Department of Natural Resources (Department) issued a formal moratorium on all new surface water appropriations in the Platte River Basin upstream of the confluence with the Loup River near Columbus, Nebraska. The moratorium included all tributary streams above the Loup River confluence including the North and South Platte Rivers and tributaries.
2. On August 7, 2023, Devin Brundage, on behalf of The Central Nebraska Public Power and Irrigation District (CNPPID), filed Petition VAR-10071 for Leave to File an Application for a Permit to Appropriate Water. The petition requested leave to file an application for a temporary permit to appropriate less than 10 acre-feet of water for the purpose of public construction to mitigate dam seepage from Elwood Reservoir.
3. On August 30, 2023, the Department granted petition VAR-10071 for leave to file an application for a new surface water permit within a moratorium area.
4. On September 11, 2023, Devin Brundage filed in the Department application A-19948 for a temporary Permit to Appropriate Water.
5. Temporary permits may be granted for a term of up to one year.

ORDER

IT IS HEREBY ORDERED that application A-19948 and map number 21302 are APPROVED subject to the following limitations and conditions:

1. The source of water is Elwood Reservoir (storage permit A-2374R).
2. The water will be used for the purpose of public construction to mitigate dam seepage from Elwood Reservoir.
3. The priority date is September 11, 2023.
4. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 08 North, Range 22 West of the 6th P.M. in Gosper County as depicted on map number 21302 which is made a part of this Order.
5. The rate water may be diverted under appropriation A-19948 shall not exceed 1.78 cubic feet per second (800 gallons per minute). The total amount of water diverted shall not exceed 9.99 acre-feet.

6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19948 will be CANCELLED without further action by the Department as of that date.
7. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
 - A. Notify the Department of the name and address of the person responsible for the use of the water appropriation.
 - B. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES



September 14, 2023

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21302 were provided to the Department's field office in Bridgeport, Nebraska and mailed to the following:

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