

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19994 AND MAP 21413

FOR A TEMPORARY PERMIT TO APPROPRIATE WATER

WATER DIVISION 2-C

BACKGROUND

1. On November 3, 2004, the Department of Natural Resources (Department) issued a formal moratorium on all new surface water appropriations in portions of the Upper Niobrara White Natural Resources District (UNWNRD). The moratorium included the Niobrara River Basin above the Mirage Flats diversion dam.
2. On February 16, 2024, Wade Yada, on behalf of the Dawes County Road Department, filed in the Department petition VAR-10163 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 road construction.
3. On March 4, 2024, the Department granted petition VAR-10163 for leave to file an application for a permit to appropriate.
4. On April 17, 2024, Wade Yada, on behalf of the Dawes County Road Department, filed in the Department application A-19994 for a temporary permit to appropriate water and map number 21413.
5. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-19994 and map 21413 are APPROVED subject to the following limitations and conditions:

1. The source of water is the Niobrara River.
2. The water shall be used for the purpose of road construction.
3. The priority date is April 17, 2024.
4. Water shall not be diverted under appropriation A-19994 before August 3, 2024, coincident with the expiration of temporary appropriation A-19930.
5. The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 29 North, Range 49 West of the 6th P.M. in Dawes County as depicted on map number 21413 which is made a part of this Order.
6. The rate that water may be diverted under appropriation A-19994 shall not exceed 0.67 cubic foot per second (300 gallons per minute). The total amount of water diverted shall not exceed 10 acre-feet.

7. This appropriation EXPIRES one year from the date of this Order and appropriation A-19928 will be CANCELLED without further action by the Department as of that date.
8. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, contractors, or relatives that actually apply the water to the approved use).
 - C. 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



Thomas E. Riley, P.E., Director

July 18, 2024

Copies of this approval and map 21413 were posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. Copies of this approval and map 21413 were mailed to the following:

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