

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20044 AND MAP OF RESERVOIR 21508

WATER DIVISION 1-F

BACKGROUND

1. On October 1, 2024, James M. Rush, on behalf of JLCC, LLC, filed in the Department of Natural Resources (Department) application A-20044 for a permit to impound water from the North Fork of the Big Nemaha River in the existing Rush Reservoir.
2. Storage appropriation A-19736 and plan number 20615 were approved on July 28, 2021, for storage of 30 acre-feet of water from a **tributary** to the North Fork of the Big Nemaha River.
3. Application A-20044 is for a permit to impound 30 acre-feet of supplemental water per year in Rush Reservoir from a different source than appropriation A-19736.
4. The water to be stored under application A-20044 is for the purpose of providing additional water for an irrigation project authorized under storage use appropriation A-19737.
5. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-20044, and map of reservoir 21508 are APPROVED subject to the following limitations and conditions:

1. The source of water is the North Fork of the Big Nemaha River located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 07, Township 03 North, Range 12 East of the 6<sup>th</sup> P.M. in Pawnee County.
2. The priority date is October 1, 2024.
3. The amount of water that may be diverted shall not exceed 30 acre-feet per year to be stored in Rush Reservoir. The total amount of water stored in Rush Reservoir under A-19736 and A-20044 will not exceed 60 acre-feet per year. The dam that impounds water in Rush Reservoir, as shown on map of reservoir number 21508, is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 07, Township 03 North, Range 12 East of the 6<sup>th</sup> P.M. in Pawnee County.
4. *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 ..."

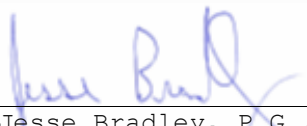
5. The owner or possessor of the reservoir storing water pursuant to A-20044 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
6. A measuring device approved by the Department is required. Contact the Lincoln Field Office before acquiring a measuring device to ensure the device will be acceptable.
7. Within two weeks after the first diversion of water under this application the appropriator must file written notice with the Lincoln Field Office informing the Department that the first irrigation diversions have occurred. The written communication must be signed by the appropriator and may be delivered by U.S. Postal Mail, hand delivered or sent via e-mail attachment to the Lincoln Field Office Supervisor
8. All terms and conditions of the approval of plan number 20615 remain in effect unless specifically changed by this Order.

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

November 13, 2024

  
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Jesse Bradley, P.G., Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir 21508 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map of reservoir 21508 were mailed to the following:

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