

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19633 AND MAP 20362

WATER DIVISION 1-E

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. Subsequently, integrated management plans (IMPs) have continued the moratorium on issuing new surface water appropriations.
2. On March 4, 2019, Jeff Marks, COO, Paul Reed Construction and Supply, Inc., filed in the Department petition VAR-7264 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 8, 2019, the Department granted petition VAR-7264 for leave to file an application for a permit to appropriate.
4. On March 12, 2019, Jeff Marks, COO, Paul Reed Construction and Supply, Inc., filed in the Department application A-19633 for a temporary permit to appropriate water.
5. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-19633 and map 20362 are APPROVED subject to the following limitations and conditions:

1. The source of water is Lodgepole Creek.
2. The water shall be used for the purpose of road construction.
3. The priority date is March 12, 2019.
4. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, Township 13 North, Range 45 West of the 6<sup>th</sup> P.M. in Deuel County as depicted on map 20362 which is made a part of this Order.
5. The rate that water may be diverted under appropriation A-19633 shall not exceed 0.78 cubic foot per second (350 gallons per minute). The total amount of water diverted shall not exceed 10 acre-feet.

6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19633 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 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, 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

March 21, 2019

  
Gordon W. Fassett, P.E., Director

Copies of this approval and map 20362 were posted on the Department's website and provided to the Department's field offices in Bridgeport, Nebraska. Copies of this approval and map 20362 were mailed on March 21, 2019, to the following:

Jeff Marks  
Paul Reed Construction and Supply, Inc.  
2970 North 10<sup>th</sup> Street  
Gering, Nebraska 69361

Nebraska Department of Transportation  
1500 Nebraska Highway 2  
Lincoln, Nebraska 68502  
INTERAGENCY