

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19619,

PLAN OF RESERVOIR 20336 AND MAP OF RESERVOIR 20347

WATER DIVISION 2-B

BACKGROUND

1. On November 30, 2018, Russ Hamer, on behalf of the Nebraska Game and Parks Commission, filed in the Department of Natural Resources (Department) application A-19619 for a permit to impound water.
2. On December 18, 2018, Russ Hamer filed in the Department plan of reservoir 20336 according to *Title 457 Neb. Admin. Code Chapter 11*.

ORDER

IT IS HEREBY ORDERED Application A-19619, plan of reservoir 20336 and map of reservoir number 20347 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the Elkhorn River.
2. The priority date is November 30, 2018.
3. The water to be stored under this appropriation is for the purpose of wetland habitat development.
4. The amount of water that may be diverted shall not exceed 60 acre-feet per year to be stored in Wood Duck Wildlife Management Area. The dam that impounds water in the Wood Duck Wildlife Management Area will be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, Township 23 North, Range 01 East of the 6<sup>th</sup> P.M. in Stanton County as shown on plan of reservoir 20336 and map number 20347.
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. The owner or possessor of the reservoir storing water pursuant to A-19619 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.

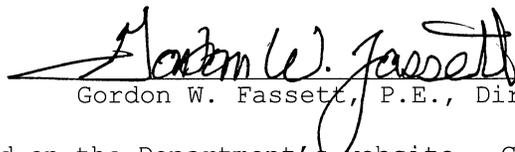
7. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
8. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
  - A. Notify the 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 20336 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.
9. 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, 2020, is the date construction of the structure must be completed.

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

February 14, 2019

  
Gordon W. Fassett, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan of reservoir 20336, and map of reservoir 20347 were provided to the Department's field office in Norfolk, Nebraska. A copy of this approval was mailed to the following:

Mitch Messmer, P.E.  
2121 West Webb Road Suite 309  
Grand Island, Nebraska 68803

Copies of this approval, plan of reservoir 20336 and map of reservoir 20347 were mailed on February 14, 2019, to the following:

Nebraska Game and Parks Commission  
2200 North 33<sup>rd</sup> Street  
Lincoln, Nebraska 68503  
INTEROFFICE