

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19688 AND

PLAN NUMBER 20506

WATER DIVISION 1-C

BACKGROUND

1. On February 24, 2020, David Mazour filed in the Department of Natural Resources (Department) application A-19688 for a permit to impound water, application for approval of plans for dams, construction specifications and plan number 20506.
2. The plan is for modification to an existing dam subject to the *Safety of Dams and Reservoirs Act*.
3. Nathan Garrett, P.E., Natural Resources Conservation Service, 703 South Webb Road, Grand Island, Nebraska 68803, prepared the drawings and construction specifications.
4. The drawings and construction specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.

ORDER

IT IS HEREBY ORDERED Application A-19688 and plan number 20506 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Dry Creek.
2. The priority date is February 24, 2020.
3. The amount of water that may be diverted shall not exceed 20.9 acre-feet per year to be stored in Mazour Reservoir for the purpose of livestock watering and erosion control. The dam that impounds water in Mazour Reservoir will be located in the SE¼SW¼ of Section 05, Township 04 North, Range 08 West of the 6th P.M. in Nuckolls 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-19688 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 continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
7. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.
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 approval prior to taking any action that changes the storage capacity of this reservoir, the construction specifications, plan number 20506, or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with *Neb. Rev. Stat. § 46-241* and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
 - D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - E. 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. The owner of the dam shall provide written notice to the Department at least ten days before construction, reconstruction, enlargement, alteration, breach, removal, or abandonment of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer or the Construction Inspector of the Department's Dam Safety Section. Notices may be delivered to the Department by mail, facsimile or electronic mail.
 - B. This approval will remain in effect for purposes of construction until November 1, 2021, the date construction must be completed.
 - C. Upon completion of the structure, the appropriator shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate shall be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this Order. No impoundment in the structure shall occur prior to issuance of the approval to operate.

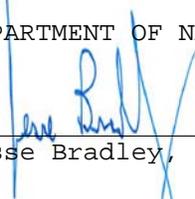
ADDITIONAL INFORMATION

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

April 10, 2020



Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order, engineering review report and plan number 20506 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and a "Construction Certification Form for Dams" were mailed to the following:

Allen Gehring, P.E.
State Conservation Engineer
Natural Resources Conservation Service
345 Federal Building
Lincoln NE 68508-3866

Nathan Garrett, P.E.
Area Engineer, Grand Island Area Office
Natural Resources Conservation Service
703 South Webb Road
Grand Island, Nebraska 68803

Copies of this Order, plan number 20506, and a "Construction Certification Form for Dams" were mailed on April 10, 2020, to the following:

David Mazour
11767 Bradburn Boulevard
Westminster, Colorado 80031