

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19700 AND

PLAN NUMBER 20515

WATER DIVISION 1-C

BACKGROUND

1. On April 6, 2020, Philip Neuerburg filed in the Department of Natural Resources (Department) application A-19700 for a permit to impound water for the purpose of recreation and erosion control.
2. On April 14, 2020, Philip Neuerburg filed application for approval of plans for dams, construction specifications and plan number 20515.
3. The plan is for modification to an existing dam subject to the *Safety of Dams and Reservoirs Act*.
4. Nicholus J. Rowe, P.E., ProAg Engineering Inc., P.O. Box 181, Jackson, Minnesota 56143, prepared the drawings and construction specifications.
5. 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-19700 and plan number 20515 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Brawner Creek.
2. The priority date is April 6, 2020.
3. The amount of water that may be diverted shall not exceed 63.2 acre-feet per year to be stored in Glaeseman Reservoir for the purpose of recreation and erosion control. The dam that impounds water in Glaeseman Reservoir is located in the SW $\frac{1}{4}$ of Section 01, Township 02 North, Range 02 East of the 6th P.M. in Jefferson 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"

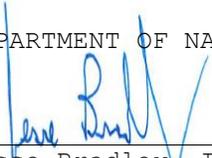
5. The owner or possessor of the reservoir storing water pursuant to A-19700 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
6. A continuous recording device approved 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 20515, 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 May 15, 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

June 17, 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 20515 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:

Nicholus J. Rowe, P.E.
ProAg Engineering Inc.,
P.O. Box 181
Jackson, Minnesota 56143

Copies of this Order, plan number 20515, and a "Construction Certification Form for Dams" were mailed on June 17, 2020, to the following:

Philip Neuerburg
56921 713 Road
Fairbury, Nebraska 68352