

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19716 AND PLAN NUMBER 20498

WATER DIVISION 2-C

BACKGROUND

1. On February 10, 2020, Delight Becker, on behalf of Redbird Valley LLC, filed in the Department of Natural Resources (Department) application for approval of plans for dams, construction specifications and plan number 20498 for the rehabilitation of the existing Becker Dam No. 2.
2. Robert L. Atkeson, P.E., Natural Resources Conservation Service, prepared the drawings and construction specifications.
3. The drawings and construction specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.
4. On June 8, 2020, Delight Becker filed application A-19716 for a permit to impound water for supplemental storage in Becker Dam No. 2.

ORDER

IT IS HEREBY ORDERED Application A-19716 and plan number 20498 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Redbird Creek.
2. The priority date is June 8, 2020.
3. The water to be stored under this appropriation is for the purpose of supplemental storage for irrigation and erosion control.
4. The amount of water that may be diverted under appropriation A-19716 shall not exceed 2.4 acre-feet per year to be stored in Becker Dam No. 2 Reservoir located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, Township 32 North, Range 10 West of the 6<sup>th</sup> P.M. in Holt County.
5. Appropriation A-19716 provides supplemental storage water to Becker Dam No. 2 Reservoir (storage appropriation A-14154). The total amount of storage under both appropriations is 56.1 acre-feet per year.

6. *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 ... ."
7. The owner or possessor of the reservoir storing water pursuant to A-19716 and A-14154 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.
8. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
9. 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 20498, 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.
10. 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. 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.


- C. November 1, 2021, is the date construction of the structure must be completed.
- D. 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 approval. 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

July 28, 2020



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Jesse Bradley, Interim Director

A copy of this approval was posted on the Department's website. Copies of this approval, engineering review report, and plan number 20498 were provided to the Department's field office in Ord, Nebraska. Copies of this approval and a "Construction Certification Form for Dams" were mailed to the following:

Robert L. Atkeson, P.E.  
Natural Resources Conservation Service  
107-A East Highway 20  
O'Neill, Nebraska 68763

Copies of this approval, plan number 20498, and a "Construction Certification Form for Dams" were mailed on July 28, 2020, to the following:

Delight Becker  
Redbird Valley LLC  
89231 892<sup>nd</sup> Road  
Lynch, Nebraska 68746