

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19839 AND MAP OF RESERVOIR NUMBER 20986

WATER DIVISION 2-C

BACKGROUND

1. On April 11, 2022, Vernon R. and Pamela Hitchcock filed in the Department of Natural Resources (Department) application A-19839 for a permit to impound supplemental water in Hitchcock Reservoir (storage permit A-9952) in an amount not to exceed 58.5 acre-feet per year for the purpose of irrigation.
2. Application A-19839, if approved, would allow the appropriator to store a total of 108.7 acre-feet per year, based on multiple fills of Hitchcock Reservoir.
3. The supplemental storage would be used to provide additional irrigation water to land that is already permitted for irrigation under existing storage and storage-use appropriations. Therefore, no new acres are being authorized for irrigation.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19839 and map of reservoir number 20986 are APPROVED subject to the following limitations and conditions:

1. The priority date is April 11, 2022.
2. The source of water is a branch of Spotted Tail Creek.
3. The amount of water that may be diverted shall not exceed 58.5 acre-feet per year to be stored in Hitchcock Reservoir. The dam that impounds water in Hitchcock Reservoir is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 35 North, Range 17 West of the 6th P.M. in Keya Paha County. The additional amount of storage authorized under application A-19839 is 58.5 acre-feet. This supplemental storage appropriation authorizes water to be stored in the same reservoir that was permitted under storage appropriation A-9952, Plan Number 8848. The total amount of water stored in Hitchcock Reservoir under A-9952 and A-19839 shall not exceed 108.7 acre-feet per year.

4. The water to be stored under this appropriation is for the purpose of providing additional water for subsequent irrigation from Hitchcock Reservoir under storage use application A-19840, which provides supplemental irrigation water to land authorized for irrigation under appropriation A-9994.
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-19839 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. Approval of A-19839 does not authorize any modification to the dam or appurtenant structures. The owner or possessor of the dam must receive written approval from the Department prior to taking any action that changes the storage capacity of the reservoir or the original approved plan (Plan Number 8848) for the dam.
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. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - C. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

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



Thomas E. Riley, P.E., Director

June 10, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir number 20986 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map of reservoir number 20986 were mailed to the following

Vernon R. and Pamela Hitchcock
45828 Spotted Tail Road
Newport, Nebraska 68759