

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19871,
PETITION FOR A WAIVER OF OUTLET WORKS DWV-9815, PLAN NUMBER 21073
AND MAP OF RESERVOIR NUMBER 21075

WATER DIVISION 1-D

BACKGROUND

1. On August 29, 2022, Dustin Chrisman filed in the Department of Natural Resources (Department) application A-19871 for a permit to impound water, application for approval of plans for dams, construction specifications and plan number 21073.
2. On December 16, 2022, Dustin Chrisman filed DWV-9815, a petition for a waiver of the requirement for outlet works.
3. The plan is for a dam subject to the *Safety of Dams and Reservoirs Act*.
4. Daniel R. Alexander, P.E., Midwest Engineering, Inc., 5320 North 148th Street, Lincoln, Nebraska 68527, 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.
6. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19871, Petition DWV-9815, plan number 21073 and map of reservoir number 21075 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the West Fork of the Big Blue River.
2. The priority date is August 29, 2022.
3. The water to be stored under this appropriation is for the purpose of providing sedimentation and grade control.
4. The amount of water that may be diverted shall not exceed 37 acre-feet per year to be stored in Chrisman Reservoir. The dam that impounds water in Chrisman Reservoir is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 03, Township 09 North, Range 02 West of the 6th P.M. in York 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-19871 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 waiver of the requirement for outlet works, by petition DWV-9815, has been granted. This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs, unless the appropriator is a political subdivision. The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.
7. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
8. 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.
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 21073, 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, 2024 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 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



January 10, 2023

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order, engineering review report, plan number 21073 and map of reservoir 21075 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:

Daniel R. Alexander, P.E.
Midwest Engineering, Inc.
5320 North 148th Street
Lincoln, Nebraska 68527

Copies of this Order, plan number 21073, map of reservoir 21075 and a
"Construction Certification Form for Dams" were mailed to the following:

Dustin Chrisman
1609 Road M-550
McCool Junction, Nebraska 68401