

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18699

WATER DIVISION 2-B

Background

1. On April 9, 2010, James Sheffield, on behalf of Nebraska Game and Parks Commission (NPGC), filed in the Department of Natural Resources (Department) application A-18699 for a permit to impound water, application for approval of plans for dams, specifications and plan P-17648.
2. Construction has been completed.

Order

IT IS HEREBY ORDERED Application A-18699, the application for approval of plans for dams, and plan P-17648 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the Platte River.
2. The priority date is April 9, 2010.
3. The amount of water that may be diverted shall not exceed 33.77 acre-feet per year to be stored in Jenny Newman Lake. The structure that creates Jenny Newman lake is known as Camp Esther Newman Dam which is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 12 North, Range 11 East of the 6th P.M. in Cass County.
4. The appropriator must comply with all relevant statutes. This includes, but is 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 specifications, plan P-17648, or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with Section 46-241 RSS and the Safety of Dams and Reservoirs Act, Sections 46-1601 to 46-1670 RSS.
 - 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.

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 29, 2010


Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval, engineering review report and plan P-17648 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and plan P-17648 were mailed on June 29, 2010, to the following:

James Sheffield
Nebraska Game & Parks Commission
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Lincoln, Nebraska 68503