

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP/PLAN 17678 FOR WATER APPROPRIATION A-18709

WATER DIVISION 2-A

BACKGROUND

On June 9, 2010, Kyle Simpson, on behalf of Riverside Land Company, filed in the Department of Natural Resources (Department) application A-18709 for a permit to appropriate water and map/plan 17678 showing the location of the diversion for the wetland.

ORDER

IT IS HEREBY ORDERED:

1. Plan number 17678 is APPROVED for the purpose of providing a project map for A-18709. This plan was also approved for storage appropriation A-18708.
2. Appropriation A-18709 provides flow-through water for Lost Island Wetland, storage appropriation A-18708, for wetland enhancement. Appropriation A-18709 allows the appropriator to divert an amount of water not to exceed 1.00 cubic foot per second (450 gallons per minute) measured at the point of diversion on Bone Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, Township 17 North, Range 3 East of the 6<sup>th</sup> P.M. in Butler County; nor exceed the least amount of water necessary for wetland enhancement.
3. The appropriator is bound by all terms and conditions of the approval of application A-18709.
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. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, and there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

August 31, 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 order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and map/plan number 17678 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map/plan number 17678, and Surface Water Administration brochure were mailed on August 31, 2010, to the following:

Riverside Land Company  
Ron Simpson  
13017 238<sup>th</sup> Street  
Greenwood, Nebraska 68366-2121

Kyle Simpson  
PO Box 482  
Elkhorn, Nebraska 68022