

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-2409 TO BEGIN CONSTRUCTION  
AND PETITION EOT-2410 TO COMPLETE CONSTRUCTION  
FOR WATER APPROPRIATION A-18721

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-18721 is held by Alan G. and Donna K. Poppe, subject to the life estate of Raymond C. and JoAnne E. Poppe.
2. Appropriation A-18721 has a priority date of September 22, 2010, and authorizes the appropriator to store 204.0 acre-feet of water in Poppe Reservoir Number 2. The Poppe Reservoir Number 2 Dam will be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, Township 32 North, Range 3 West of the 6<sup>th</sup> P.M. in Knox County.
3. On October 25, 2011, appropriation A-18721 was approved. The approval of application A-18721 was conditional upon (1) construction of the project beginning within one year of the signing date of the application approval and (2) completion of the project being completed by October 1, 2013.
4. On September 14, 2012, Alan G. Poppe filed petition EOT-2409 in the Department requesting to extend the date to October 25, 2013, in which to begin construction of works related to appropriation A-18721. This petition was filed in a timely manner prior to the October 25, 2012, deadline which would have been twelve months after the signing date of the application approval. The reasonable cause stated in the petition requesting an extension of time for the beginning of construction of works for this project was that the applicant recently was made aware that a permit from the U.S. Army Corps of Engineers was required prior to construction.
5. On September 14, 2012, Alan G. Poppe filed petition EOT-2410 in the Department requesting to extend the date to October 1, 2014, in which to complete construction of works related to appropriation A-18721. The reasonable cause stated in the petition requesting an extension of time for the completion of construction of works for this project was that the applicant recently was made aware that a permit from the U.S. Army Corps of Engineers was required prior to construction, which would delay the completion of construction.

6. *Nebraska Revised Statute* § 46-238(2) provides that the Department may extend, for reasonable lengths of time, the time for commencing excavation or construction and completion of works as fixed in the approval of an application for the appropriation of water. Such extension may be granted upon a petition to the Department and the showing of reasonable cause. Petitions EOT-2409 and EOT-2410 meet this requirement.

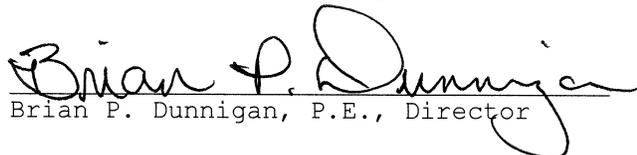
ORDER

IT IS HEREBY ORDERED:

1. Petition EOT-2409, requesting an extension of time in which to begin construction of works appurtenant to appropriation A-18721 is hereby APPROVED.
2. The date by which construction of works shall begin for application A-18721 is extended to October 25, 2013.
3. Petition EOT-2410, requesting an extension of time in which to complete construction of works appurtenant to appropriation A-18721 is hereby APPROVED.
4. The date by which construction of works shall be completed for application A-18721 is extended to October 1, 2014.
5. All other conditions of the approval of application A-18721 remain in effect.

DEPARTMENT OF NATURAL RESOURCES

January 31, 2013

  
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 Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, 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 and provided to the Department's field office in Norfolk, Nebraska. A copy of this approval was mailed on January 31, 2013, to the following:

Alan G. and Donna K. Poppe  
54573 891 Road  
Crofton, Nebraska 68730