

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPROVAL OF APPLICATION A-19033

WATER DIVISION 2-A

BACKGROUND

1. On March 4, 2013, Phillip Hill, on behalf of the Village of Comstock, filed in the Department of Natural Resources (Department) application A-19033 for a temporary permit to appropriate water.
2. Temporary permits may not be granted for a term of more than one year.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19033 is APPROVED subject to the following limitations and conditions:

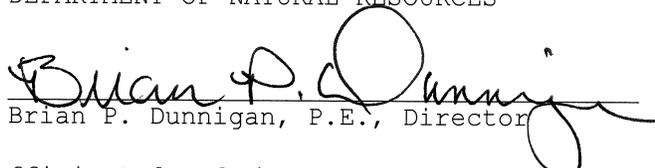
1. The source of water is the Middle Loup River.
2. The priority date is March 4, 2013.
3. The amount of water that may be diverted shall not exceed 7 acre-feet per year to be stored in the Village of Comstock's evaporation lagoon located in the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 11, Township 18 North, Range 17 West of the 6<sup>th</sup> P.M. in Custer County.
4. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, Township 18 North, Range 17 West of the 6<sup>th</sup> P.M. in Custer County.
5. The rate that water may be diverted under appropriation A-19033 shall not exceed 1.11 cubic feet per second (approximately 500 gallons per minute). The total amount of water diverted shall not exceed 7 acre-feet.
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19033 will be CANCELLED without further action by the Department as of that date.
7. 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 or the type of appropriation.
  - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.

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

May 6, 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 approval 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 Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. A copy of this approval was provided to the Department's field office in Ord, Nebraska. A copy of this approval was mailed to the following:

Phillip Hill  
Village of Comstock  
P.O. Box 55  
Comstock, Nebraska 68828