STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19080

WATER DIVISION 2-F

BACKGROUND

On May 8, 2013, Martin P. Cleveland, P.E., on behalf of Papio-Missouri River Natural Resources District, filed in the Department of Natural Resources (Department) application A-19080 for a temporary Permit to Appropriate Water.

ORDER

IT IS HEREBY ORDERED that application A-19080 is APPROVED subject to the following limitations and conditions:

1. The source of water is Elk Creek.

2. The water shall be used for the purpose of levee construction.

3. The priority date is May 8, 2013.

4. The point of diversion is located in the NE¼NE¼ of Section 36, Township 29 North, Range 7 East of the 6th P.M. in Dakota County.

5. The rate that water may be diverted under appropriation A-19080 shall not exceed 1.11 cubic feet per second (approximately 500 gallons per minute).

6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19080 will be CANCELLED without further action by the Department as of that date.

7. The appropriator must comply with all relevant statutes. The statutes include, but are 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, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

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.

DEPARTMENT OF NATURAL RESOURCES

June 28, 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, 4th 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 approval 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 June 28 2013, to the following:

Martin Cleveland, P.E., Construction Engineer
Papio-Missouri River Natural Resources District
8901 South 154th Street
Omaha, Nebraska 68138