STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18712

WATER DIVISION 2-C

BACKGROUND

On July 19, 2010, Daryll and Tamara Lightner filed in the Department of Natural Resources (Department) application A-18712 for a permit to impound water, application for approval of plans for dams, specifications and plan P-17692.

ORDER

IT IS HEREBY ORDERED Application A-18712, the Application for Approval of Plans for Dams and plan P-17692 are APPROVED subject to the following limitations and conditions:

1. The source of water is Soldier Creek.

2. The priority date is July 19, 2010.

3. The amount of water that may be diverted shall not exceed 250.0 acre-feet per year to be stored in Big L Reservoir. Big L Dam will be located in the SE¼SE¼ of Section 1, Township 31 North, Range 8 West of the 6th P.M. in Knox 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-17692, or the type of appropriation.

   C. Construct, operate and maintain the structure in accordance with § 46-241 RSS and the *Safety of Dams and Reservoirs Act*, §§ 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.

5. The appropriator must comply with the following deadlines.

   A. Written notice shall be provided to the Department at least 10 days before the start of construction.

   B. Construction of the structure must begin within twelve months of the signing date of this application approval. The appropriator

must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.

C. Construction of the structure must be completed by October 1, 2012.

D. Upon completion of the structure, the appropriator shall file with the Department the enclosed Construction Certification Form for Dams. Following receipt of this form, an approval to operate shall be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this approval. No impoundment in the structure shall occur prior to issuance of the approval to operate.

E. The applicant has a preferred right to file an application for a permit to appropriate the water stored for some useful purpose until April 1, 2013.

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

December 15, 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 *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 (P.O. Box 94676, 301 Centennial Mall South, 4th Floor State Office Building, 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. Copies of this approval, engineering review report and plan P-17692 were provided to the Department's field office in Ord, Nebraska. Copies of this approval and a Construction Certification Form for Dams were mailed to the following:

Steve K. Westerbuhr, P.E.
Settje Agri Services and Engineering, Inc.
4700 W. Rock Creek Road
Raymond, Nebraska 68428

Copies of this approval and plan P-17692 were mailed on December 15, 2010, to the following:

Daryll and Tamara Lightner
5831 South 58th Street Suite C
Lincoln, Nebraska 68516