

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18781

WATER DIVISION 1-D

BACKGROUND

1. On May 13, 2011, the Lower Big Blue Natural Resources District filed in the Department of Natural Resources (Department) application A-18781 for a permit to impound water, application for approval of plans for dams, specifications and plan P-16042.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-18781, the Application for Approval of Plans for Dams and plan P-16042 are APPROVED subject to the following limitations and conditions:

1. The source of water is Possum Creek.
2. The priority date is May 13, 2011.
3. The amount of water that may be diverted shall not exceed 17.8 acre-feet per year to be stored in Little Indian 15-A Reservoir. Little Indian 15-A Dam will be located in the SW $\frac{1}{4}$ of Section 9, Township 5 North, Range 6 East of the 6th P.M. in Gage County.
4. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.
5. 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-16042, or the type of appropriation.
 - C. Construct, operate and maintain the structure in accordance with Neb. Rev. Stat. § 46-241 and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
 - 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.

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

September 13, 2011


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 (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 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-16042 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and a Construction Certification Form for Dams were mailed to the following:

Tim Haakenstad
State Conservation Engineer
Natural Resources Conservation Service
345 Federal Building
100 Centennial Mall North
Lincoln NE 68508-3866:

Copies of this approval and plan P-16042 were mailed on September 13, 2011, to the following:

Lower Big Blue Natural Resources District
c/o David S. Clabaugh
P.O. Box 826
Beatrice, NE 68310