

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN OF RESERVOIR 18260 FOR WATER APPROPRIATION A-18823

WATER DIVISION 2-F

BACKGROUND

1. On October 17, 2011, Bradley J. Mahon and Jeremy B. Mahon filed in the Department of Natural Resources (Department) application A-18823 for a permit to impound water and petition DWV-2190 for a waiver of the requirement of outlet works.
2. Construction has been completed.
3. On December 7, 2011, the Department approved application A-18823 to impound 15 acre-feet per annum to be stored in Mahon Reservoir No. 1 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 33 North, Range 8 West of the 6th P.M. in Knox County. The approval was conditioned on the appropriator filing a plan of reservoir in accordance with *Title 457 Neb. Admin. Code Chapter 11* within six months of the signing date of the application approval.
4. On June 4, 2012, Bradley J. Mahon filed in the Department petition EOT-2343 requesting a three-month extension of time in which to file a plan of reservoir. This petition was filed in a timely manner prior to the June 7, 2012, deadline which would have been six months after the signing date of the application approval. The reasonable cause stated in the petition requesting an extension of time for the appropriator to file a plan of reservoir was the unavailability of contractors due to the historic Missouri river flood of 2011 as well as the small size and remote location of the project.
5. On June 14, 2012, the Department granted petition EOT-2343 extending the time to file a plan of reservoir under appropriation A-18823 to September 7, 2012.
6. On July 5, 2012, Robert L. Atkeson, P.E., on behalf of Bradley J. Mahon and Jeremy B. Mahon filed in the Department plan of reservoir 18260.
7. On September 6, 2012, Robert L. Atkeson, P.E., on behalf of Bradley J. Mahon and Jeremy B. Mahon filed in the Department an Engineer's Certificate certifying that this dam meets the requirements of a low hazard structure.

ORDER

IT IS HEREBY ORDERED:

1. Plan of reservoir number 18260 is APPROVED.
2. The amount of water that may be diverted shall not exceed 15.0 acre-feet per year to be stored in Mahon Reservoir No. 1. This amount is based on a reservoir that stores 6.5 acre-feet and may be filled 2.3 times per year from a tributary to Ponca Creek.
3. A reservoir-related measuring device approved by the Department may be required.
4. All terms and conditions of appropriation A-18823 shall remain in effect unless otherwise changed by this Order.
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 or the type of appropriation.
 - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - D. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

DEPARTMENT OF NATURAL RESOURCES

March 28, 2014


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. Copies of this approval and plan of reservoir 18260 were provided to the Department's field office in Ord, Nebraska. A copy of this approval was 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 Order and plan of reservoir number 18260 were mailed on March 28, 2014, to the following:

Bradley J. Mahon
51415 Highway 12
Niobrara, Nebraska 68760

Jeremy B. Mahon
51147 Highway 12
Niobrara, Nebraska 68760