

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18616

WATER DIVISION 2-B

Background

1. On October 24, 2008, Glenn Johnson, General Manager, Lower Platte South Natural Resources District (District), filed application A-18616 in the Department of Natural Resources (Department) for a permit to impound water, application for approval of plans for dams, specifications and plan P-17342.
2. Application A-18616 is for an additional amount of storage to supplement existing storage appropriation A-18306.
3. Construction of the impoundment structure was completed under A-18306 and no modifications to the original structure are required.
4. On December 16, 2008, the Department issued a Notice of Preliminary Determination that a portion of the Lower Platte River Basin including the surface watershed of the Platte River and its tributaries from the confluence upstream of the Missouri River is fully appropriated. With this Preliminary Determination the Department has placed an immediate stay on the issuance of any new surface water appropriations in the fully appropriated portions of the Lower Platte River Basin.
5. On January 2, 2009, the District filed petition VAR-1608 for Leave to Consider an Application for a Permit to Appropriate Water. Petitions for leave to consider an application for a permit to appropriate water in areas that are subject to stays and moratoriums are covered under Neb. Rev. Stat. § 46-714(3)(n) and § 61-206. It is necessary for the Department to grant the petition before further consideration of an application for a surface water appropriation in a stay or moratorium area.
6. On February 4, 2009, the Department approved VAR-1608 for Leave to Consider an Application for a Permit to Appropriate Water.
7. The Department consulted with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. § 37-807 (Reissue 2004). The Department finds the project will not jeopardize threatened or endangered species or their habitat.
8. The initial 147.7 acre-feet of water has been supplied from wells outside the area delineated as hydrologically connected to the preliminarily declared fully appropriated area.
9. The operating plan for the project will result in increased runoff in the Lower Platte River Basin.

(Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 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-17342 were provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed on March _____, 2009, to the following:

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