

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18667

WATER DIVISION 2-F

Background

1. On June 3, 2009, Dean and Laurie Bruening filed application A-18667 in the Department of Natural Resources (Department) for a permit to impound water, a petition for a waiver of drawdown requirement, DWV-1680, application for approval of plans for dams, specifications and plan P-17435.

Order

IT IS HEREBY ORDERED:

Application A-18667, the application for approval of plans for dams, DWV-1680 and plan P-17435 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to the Missouri River.
2. The priority date is June 3, 2009.
3. The amount of water that may be diverted shall not exceed 25.8 acre-feet per year to be stored in Dean Bruening WRP Reservoir. Dean Bruening WRP Dam will be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 33 North, Range 1 East of the 6th P.M. in Cedar County.
4. A waiver of the requirement for a drawdown, DWV-1680, has been granted. This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs, unless the appropriator is a political subdivision. The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.
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-17435, or the type of appropriation.

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-17435 were provided to the Department's field office in Norfolk, 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, Nebraska 68508-3866

Copies of this approval and plan P-17435 were mailed on August _____, 2009, to the following:

Dean and Laurie Bruening
89838 561 Avenue
St. Helena, Nebraska 68774-7409