

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18721

WATER DIVISION 2-F

BACKGROUND

On September 22, 2010, Alan G. Poppe, on behalf of himself and Donna K. Poppe, and Raymond C. and Joanne E. Poppe, filed Application A-18721 for a Permit to Impound Water, Application for Approval of Plans for Dams, specifications and plan number P-17297.

ORDER

IT IS HEREBY ORDERED Application A-18721, the Application for Approval of Plans for Dams and plan P-17297 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Weigand Creek.
2. The priority date is September 22, 2010.
3. The amount of water that may be diverted shall not exceed 204 acre-feet per year to be stored in Poppe Reservoir 2. This amount is based upon a reservoir that stores 102 acre-feet, and is filled two times per year. Poppe Dam 2 will be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 32 North, Range 3 West of the 6th P.M. in Knox County.
4. Appropriation A-18722 provides supplemental storage water to appropriation A-18721. The amount of storage allowed in Poppe Reservoir 2 includes both appropriations for a total of 306.0 acre-feet of water per year.
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-17297, 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.

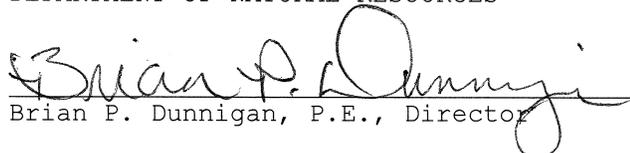
- D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
 - E. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.
6. The appropriator must comply with the following deadlines.
- A. Construction 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.
 - B. Written notice shall be provided to the Department at least 10 days before the start of construction.
 - C. Construction of the structure must be completed by October 1, 2013.
 - 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.

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

October 25, 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, 301 Centennial Mall South, 4th Floor, P.O. Box 94676, 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-17297 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:

Ronald W. Nohr, P.E.
EDM Associates, Inc.
410 West Harold Street
Crofton, Nebraska 68730

Copies of this approval and plan P-17297 were mailed on October 25, 2011, to the following:

Alan G. and Donna K. Poppe
54573 891 Road
Crofton, Nebraska 68730

Raymond C. and JoAnne E. Poppe
54575 891 Road
Crofton, Nebraska 68730