STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLANS P-17111 AND P-17112 FOR SURFACE WATER APPROPRIATION A-18438

WATER DIVISION 1-A

Background

1. Surface water appropriation A-18438 and plan numbers P-16854 and P-16885, filed by Central Platte Natural Resources District, were approved by the Department of Natural Resources (Department) on May 8, 2007. The approval was conditioned upon plans for SCLL3 and SCLL4 being filed in the Department by November 8, 2007.

2. On October 23, 2007, Central Platte Natural Resources District filed plan number P-17111, Application for Approval of Plans for Dams for SCLL4S (previously SCLL3), and plan number P-17112, Application for Approval of Plans for Dams for SCLL4NE (previously SCLL4).

Order

It is therefore ORDERED:

1. Plan numbers P-17111 and P-17112 are hereby APPROVED.

2. All terms and conditions of A-18438 shall remain in effect unless specifically changed by this Order.

3. This permit requires that the owner comply with all relevant statutes. This includes, but is not limited to the following:

   a. Notifying the Department of any change in ownership or address.

   b. Receiving approval prior to taking any action that changes the storage capacity of the flood detention cells, the specifications plan numbers P-17111 or P-17112, or the type of appropriation.

   c. Constructing, operating and maintaining the structure in accordance with section 46-241 RSS and the Safety of Dams and Reservoirs Act, sections 46-1601 to 46-1670 RSS.

   d. Being liable for all damages due to leakage, overflow or structural failure of the structure.

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.

Nebraska law provides that failure to use an appropriation for five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

August 22, 2008

Brian P. Dunnigan, P.E., Acting 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 Nebraska Administrative Procedures Act (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 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, Engineering Review Report and plans P-17111 and P-17112 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Approval and a Construction Certification Form for Dams were mailed to the following:

Mike Placke, P.E.
Project Engineer
JEO Consulting Group, Inc.
650 J Street, Suite 215
Lincoln, Nebraska 68508

Copies of this Approval and plans P-17111 and P-17112 were mailed on August 22, 2008, to the following:

Milt Moravek
Projects Director
Central Platte Natural Resources District
215 North Kaufman Avenue
Grand Island, Nebraska