STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19223

WATER DIVISION 2-D

BACKGROUND

1. On November 3, 2004, the Department of Natural Resources (Department) issued a formal moratorium on all new surface water appropriations in portions of the Upper Niobrara White Natural Resources District (UNWNRD). The moratorium included the White River Basin.

2. The Department's November 3, 2004, Order and the provisions of *Neb. Rev. Stat.* § 46-714(3)(n) allow for new surface water appropriations and increases in irrigated acres if the Department grants a variance and subsequently approves a permit for such new use.

3. On August 8, 2011, an integrated management plan (IMP) was adopted by Order of the Department, pursuant to *Neb. Rev. Stat.* § 46-718(2) for the UNWNRD.

4. On February 18, 2014, Larry Hankin, on behalf of the Dawes County Road Department, filed Petition VAR-4945 for Leave to File or Consider an Application for a Permit to Appropriate Water within a Moratorium Area. The petition requested leave to file a temporary permit to appropriate less than 10 acre-feet of water from the White River for the purpose of public road construction.

5. On March 11, 2014, the Department granted petition VAR-4945 for leave to file an application for a permit to appropriate water.

6. On April 7, 2014, Larry Hankin, on behalf of the Dawes County Road Department, filed in the Department application A-19223 for a temporary permit to appropriate water, pursuant to the proposed application filed with VAR-4945.

7. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-19223 is APPROVED subject to the following limitations and conditions:

1. The source of water is Little Bordeaux Creek.

2. The water shall be used for the purpose of public road construction.

3. The priority date is April 7, 2014.

4. The point of diversion is located in the NW¼NW¼ of Section 13, Township 33 North, Range 48 West of the 6th P.M. in Dawes County.

5. The rate that water may be diverted under appropriation A-19223 shall not exceed 0.89 cubic foot per second (400 gallons per minute). The total amount of water diverted shall not exceed 10 acre-feet.

6. A 24 hour notice shall be given to the Bridgeport Field Office before diversions commence. The phone number for the Bridgeport Office is (308) 262-1930.

7. This appropriation EXPIRES one year from the date of this Order and appropriation A-19223 will be CANCELLED without further action by the Department as of that date.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

June 30, 2014

Brian P. Dunnigan

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 454 Neb. 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 and provided to the Department's field office in Bridgeport, Nebraska. A copy of this approval was mailed on June 30, 2014, to the following:

Larry Hankin
Dawes County Road Department
250 Main Street, Suite #7
Chadron, Nebraska 69337