

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19086 AND MAP OF RESERVOIR 19372

WATER DIVISION 2-C

BACKGROUND

1. On May 28, 2013, Carl Williamson, on behalf of Patty Williamson and himself, filed in the Department of Natural Resources (Department) application A-19086 for a permit to impound supplemental water in Williamson Irrigation Reservoir for an amount not to exceed 14.7 acre-feet.
2. Application A-19086 has an off-channel pump diversion site on the Keya Paha River for additional water for storage in Williamson Irrigation Reservoir (storage appropriation A-18555) to be constructed on a nearby tributary to the Keya Paha River.
3. Storage appropriation A-18555 allows the appropriator to divert water from a tributary to the Keya Paha River for storage of 27.3 acre-feet per year in Williamson Irrigation Reservoir. Appropriations A-18555 and A-19086, if approved, would allow the appropriator to store a total of 42.0 acre-feet per year.
4. Plan 17131 was approved by the Department on December 31, 2014, for storage appropriation A-18555 to store 27.3 acre-feet per year at normal pool in Williamson Irrigation Reservoir at the riser crest elevation of 1,677 feet and 42.0 acre-feet at elevation 1,680 feet as shown on plan 17131.
5. Carl and Patty Williamson of 47678 State Highway 12, Butte, Nebraska 68722, own the reservoir and dam.
6. The drawings and specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.
7. Williamson Irrigation Reservoir is currently under construction and is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 34 North, Range 14 West of the 6th P.M. in Boyd County.

ORDER

IT IS HEREBY ORDERED Application A-19086 and map of reservoir 19372 are APPROVED subject to the following limitations and conditions:

1. The source of water is the Keya Paha River located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 08) of Section 19, Township 34 North, Range 14 West of the 6th P.M. in Keya Paha County.

2. Appropriation A-19086 has a priority date of May 28, 2013.
3. The purpose is to provide additional stored water for subsequent appropriation for irrigation from Williamson Irrigation Reservoir.
4. Williamson Irrigation Dam is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 34 North, Range 14 West of the 6th P.M. in Boyd County. The pump site for the point of diversion is off-channel and south of Williamson Irrigation Dam on the Keya Paha River. The amount of supplemental water that may be diverted and stored under appropriation A-19086 shall not exceed a total of 14.7 acre-feet per year. The total amount of storage is 42.0 acre-feet per year to be stored in Williamson Irrigation Reservoir. This amount is based on 27.3 acre-feet permitted under storage appropriation A-18555 and 14.7 acre-feet permitted under storage appropriation A-19086.
5. *Nebraska Revised Statutes* § 46-241(5) states in part, "The owner or possessor of a reservoir or intentional underground water storage facility does not have the right to store water in such reservoir or facility during the time that such water is required downstream in ditches for direct irrigation or for any reservoir or facility holding a senior right. Every person who owns, controls, or operates a reservoir or intentional underground water storage facility, except political subdivisions of this state, shall be required to pass ... a portion of the measured inflows to furnish water for livestock"
6. The owner or possessor of the reservoir storing water pursuant to A-19086 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
7. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
8. The appropriator will notify the Department at least three days before diversion first occurs under this appropriation. This appropriation will not be considered perfected until such time as Department personnel verify that impoundment of water from the Keya Paha River has occurred according to the information provided in the application and in accordance with the conditions of this approval.
9. Water must be diverted under A-19086 by two years past the signing date of this Order.
10. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are 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, plan 17131, map of reservoir number 19372 or the type of appropriation.

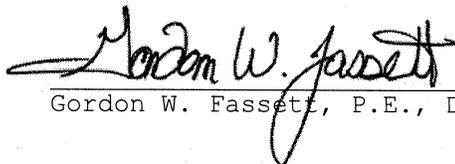
- C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
- D. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

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

November 25, 2015



Gordon W. Fassett, 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 Title 454 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 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 and map of reservoir 19372 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval, and map of reservoir 19372 were mailed on November 25, 2015, to the following:

Carl and Patty Williamson
47678 State Highway 12
Butte, Nebraska 68722