

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-2067 TO BEGIN CONSTRUCTION
AND PETITION EOT-2079 TO COMPLETE CONSTRUCTION UNDER APPROPRIATION A-18681

WATER DIVISION 2-C

BACKGROUND

1. On October 30, 2009, Mark R. Downey filed in the Department of Natural Resources (Department) application A-18681 for a permit to appropriate water.
2. On April 20, 2010, appropriation A-18681 was approved. The approval of application A-18681 was conditional upon (1) construction of the project beginning within one year of the signing date of the application approval and (2) completion of the project being completed within two years of the signing date of the application approval.
3. On March 24, 2011, Mark R. Downey filed petition EOT-2067 in the Department requesting an extension of time to June 1, 2011, in which to begin construction of works related to appropriation A-18681. This petition was filed in a timely manner prior to the April 20, 2011, deadline which would have been twelve months after the signing date of the application approval. The reasonable cause stated in the petition requesting an extension of time for the beginning of construction of works for this project was that the appropriator was waiting for assistance from the Natural Resources Conservation Service (NRCS) in constructing the irrigation system.
4. On April 11, 2011, Mark R. Downey filed petition EOT-2079 in the Department requesting an extension of time in which to finish construction of works related to appropriation A-18681 to June 1, 2012. This petition was filed in a timely manner prior to the April 20, 2012, deadline which would have been two years past the signing date of the application approval.
5. *Nebraska Revised Statute* § 46-238(2) provides that the Department may extend, for reasonable lengths of time, the time for commencing excavation or construction and completion of works as fixed in the approval of an application for the appropriation of water. Such extension may be granted upon a petition to the department and the showing of reasonable cause. Petitions EOT-2067 and EOT-2079 meet this requirement.

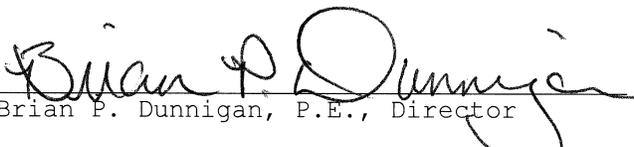
ORDER

It is therefore ORDERED:

1. Petition EOT-2067, for an extension of time in which to begin construction of works appurtenant to appropriation A-18681, is hereby APPROVED.
2. The date by which construction of works shall begin for application A-18681 is extended to June 1, 2011.
3. Petition EOT-2079, for an extension of time in which to complete construction of works appurtenant to appropriation A-18681, is hereby APPROVED.
4. The date by which construction of works shall be completed for application A-18681 is extended to June 1, 2012.
5. All other conditions of the approval of application A-18681 remain in effect.

DEPARTMENT OF NATURAL RESOURCES

June 16, 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 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 (4th Floor, Nebraska State Office Building, 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.

Copies of this Order were posted on the Department's website and provided to the Department's field office in Norfolk and Ord, Nebraska. A copy of this approval was mailed on June 16, 2011, to the following:

Mark R. Downey
511 East 5th Street
Delphos, Ohio 45833