

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18961

WATER DIVISION 1-D

BACKGROUND

On August 27, 2012, James Ebert, II, on behalf of Ebert Construction Co., Inc., filed in the Department of Natural Resources (Department) application A-18961 for a temporary Permit to Appropriate Water.

ORDER

IT IS HEREBY ORDERED that application A-18961 is APPROVED subject to the following limitations and conditions:

1. The source of water is the Big Blue River.
2. The water shall be used for the purpose of road construction.
3. The priority date is August 27, 2012.
4. The rate that water may be diverted under appropriation A-18961 shall not exceed 0.78 cubic feet per second (approximately 350 gallons per minute). The total annual volume of water may not exceed 0.39 acre-feet (128,000 gallons).
5. This appropriation is subject to the provisions of the Blue River Compact and could be closed if Compact flows are not being met.
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-18961 will be CANCELLED without further action by the Department as of that date.
7. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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

October 5, 2012


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 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 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 Lincoln, Nebraska. A copy of this approval was mailed on October 5, 2012, to the following:

Nebraska Department of Roads
INTERAGENCY
P.O. Box 94759
Lincoln, Nebraska 68509

Ebert Construction Co., Inc.
James Ebert, II
103 West Valley Street
Wamego, Kansas 66547