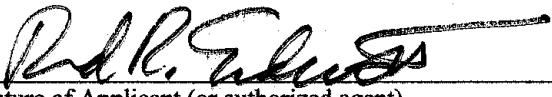


STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

PETITION TO THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES
FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW
SURFACE WATER APPROPRIATION WITHIN A MORATORIUM OR STAY AREA
UNDER TITLE 457 N.A.C. CHAPTER 23

Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing an X in the appropriate box. Attach supporting documentation and a \$10 non-refundable filing fee.		For Department Use Only	
1. Name and address of petitioner: Board of Educational Lands and Funds 555 North Cotner Blvd. Lincoln, Ne 68505		Modification No.: VAR-5025 Date Filed: April 10, 2014 Time Filed: 8:00 AM SW Appropriation No.: VAR-5025 (if applicable) Right ID No.: (if applicable) Water Division: 1-A Receipt No.: B 3585538 Amount: 10.00	
E-mail address: <u>belf.nebraska.gov</u> Telephone No. (402) <u>471-2014</u>			
2. Check the situation that applies: <input type="checkbox"/> Application Already Filed Application Number: _____ <input checked="" type="checkbox"/> Application Not Filed (Enclose copy of proposed application)			
3. Description of proposed project: <u>get a permit for a existing dam built in 1948</u>			
4. The Proposed Project — (Check all that apply): <input type="checkbox"/> 001.01 — Is a non-consumptive use <input type="checkbox"/> 001.02 — Will replace (offset) any consumptive use (Attach Offset Plan) <input type="checkbox"/> 001.03 — Is for possible unappropriated water (Attach Analysis) <input checked="" type="checkbox"/> 001.04 — Existed before the stay or moratorium (Attach Proof) <input type="checkbox"/> 001.05 — Addresses a public safety issue (Attach Explanation) <input type="checkbox"/> 001.06 — Is a temporary use for public construction (<10 AF)			
5. Other reason why a variance should be granted: <u>this dam helps control runoff and allow for some recharge to the underground aquifer</u>			
<u>3/3/14</u> Date		 Signature of Applicant (or authorized agent)	

Send to the following address (along with \$10 non-refundable filing fee):

State of Nebraska
Department of Natural Resources
301 Centennial Mall South / PO Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

MPO-04102014-5025-let (11)

STATE OF NEBRASKA



IBT

Remit To:
STATE OF NEBRASKA
DEPT. ADMIN. SERVICES-ACCOUNTING
P.O. BOX 94664
LINCOLN NE 68509-4664

Invoice Number: 863033
Page: 1 of 2
Invoice Date: 03/04/14
Account: 557881
Due Date: 03/04/14

BILLING ADDRESS:
BOARD OF EDUC LANDS & FUNDS
555 N COTNER BLVD UPPER LEVEL
LINCOLN NE 68505-2353

CUSTOMER ADDRESS:
BOARD OF EDUC LANDS & FUNDS
555 N COTNER BLVD UPPER LEVEL
LINCOLN NE 68505-2353

<u>Item Number</u>	<u>Remark</u>	<u>Amount</u>
001	SURFACE WATER APPLICATION FEE	10.00
Total Amount Invoiced		10.00

*Date closed
3-21-14*

*AA
3/16/14*

3585538

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

3-2-14
3:29 PM

PETITION TO THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES
FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW
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Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing an X in the appropriate box. Attach supporting documentation and a \$10 non-refundable filing fee. For Department Use Only

1. Name and address of petitioner:
Board of Educational Lands and Funds
555 North Cotner Blvd.
Lincoln, Ne 68505

E-mail address: belf.nebraska.gov Telephone No. (402) 471-2014

\$10 Appl. Fee

Modification No.: _____
Date Filed: _____
Time Filed: _____
SW Appropriation No.: _____
(if applicable)
Right ID No.: _____
(if applicable)
Water Division: _____
Receipt No.: _____
Amount: _____

2. Check the situation that applies:
 Application Already Filed Application Number: _____
 Application Not Filed (Enclose copy of proposed application)

3. Description of proposed project:
get a permit for a existing dam built in 1948

4. The Proposed Project --- (Check all that apply):
 001.01 --- Is a non-consumptive use
 001.02 --- Will replace (offset) any consumptive use (Attach Offset Plan)
 001.03 --- Is for possible unappropriated water (Attach Analysis)
 001.04 --- Existed before the stay or moratorium (Attach Proof)
 001.05 --- Addresses a public safety issue (Attach Explanation)
 001.06 --- Is a temporary use for public construction (<10 AF)

5. Other reason why a variance should be granted:
this dam helps control runoff and allow for some recharge to the underground aquifer

3/3/14
Date

[Signature]
Signature of Applicant (or authorized agent)

Send to the following address (along with \$10 non-refundable filing fee):

State of Nebraska
Department of Natural Resources
301 Centennial Mall South / PO Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO IMPOUND WATER

INSTRUCTIONS

Refer to second page of this form for fees, plans and filing requirements.
Complete Items 1 through 11 by typing or printing in ink the appropriate information required.
This form must be completed in full.
An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this time period shall cause dismissal of the application and consequent loss of priority and fees.

1. Name, address and telephone number of owner of land under proposed project. Names must be exactly as described on the deed or document transferring ownership of property. Application must be signed by owner.

Board of Educational Lands and Funds
555 North Cotner Blvd.
Lincoln, Ne

Zip Code: 68505 Telephone No.: (402) 471-2014
E-mail Address: belf.nebraska.gov

For Department Use Only

Filed in the office of the Department of
Natural Resources at _____ a.m./p.m.
on _____, 20____
Application No. _____
Plan No. _____
Water Division _____
Receipt No. _____ Amount _____
 Title 457 Title 458

2. Name, address and telephone number of applicant if other than landowner.

Zip code _____ Telephone No.: (_____) _____
E-mail address: _____

3. State the purpose for water storage:
(i.e., irrigation, livestock, erosion control)

4. Identify the source of water (name of stream):

runoff

Name adopted for proposed reservoir or pit:

school dam No. 3

5. State the approximate quantity of water to be impounded: 20 acre-feet.

6. Identify the location of the proposed reservoir or pit: County Dawson

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 11 North, Range 19 E W

7. State the approximate date construction will be completed: built in 1948

(Applicant should be aware that failure to begin the construction by date set in Order of Approval will cause cancellation of all rights granted.)

8. State the approximate date water will first be impounded: 1948

9. If a canal or pipeline is required to convey water to the proposed reservoir or pit, identify the supply canal headgate or pipeline pump site location: County _____

_____ $\frac{1}{4}$. _____ $\frac{1}{4}$ Section _____, Township _____ North, Range _____ E West

10. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?

? No Yes If Yes, explain: dam was built in 1948 don't know

11. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

3/3/14
 Date


 Signature of Owner (Or Owner's Authorized Agent with Proper Documentation)

FEES FOR APPLICATIONS TO IMPOUND WATER

Quantity of Water Stored	Cost
0-5,000 acre-feet	\$25
Each additional 5,000 acre-feet	\$10
or fraction thereof	

A non-refundable filing fee payable to DNR must accompany this application.

FORWARD THIS APPLICATION AND APPLICABLE FEES TO:

State of Nebraska
 Department of Natural Resources
 301 Centennial Mall South / P.O. Box 94676
 Lincoln, Nebraska 68509
 (402) 471-2363

SUMMARY OF FILING REQUIREMENTS

Department of Natural Resources Rules of Surface Water, Title 457, Neb. Admin. Code is abbreviated in the chart below as "Title 457" and is on the website at: (http://dnr.nebraska.gov/media/SurfaceWaterRights/PDFs/Title_457_0608.pdf)

If project is subject to *Title 457 Neb. Admin. Code*, submit this application, with applicable fees.

For structures not subject to *Title 458 Neb. Admin. Code* (see below), but subject to *Title 457 Neb. Admin. Code*, a project map as described in *Title 457 Neb. Admin. Code*, Chapter 11 must be submitted.

Department of Natural Resources Rules of Safety of Dams & Reservoirs, Title 458, Neb. Admin. Code is abbreviated in the chart below as "Title 458" and is on the website at: (http://dnr.nebraska.gov/media/DamSafety/pdf/Title_458_1008.pdf)

See Dam Safety Approval flow chart (<http://dnr.nebraska.gov/media/DamSafety/pdf/StoragePermit.pdf>) to see if project is subject to *Title 458, Neb. Admin. Code*.

Engineering drawings and specifications for proposed projects subject to Title 458 must be submitted within 6 months of the filing of this application and must be submitted with completed Application of Approval of Plans for Dams (<http://dnr.nebraska.gov/Media/DamSafety/pdf/DamApprovalForm0708.pdf>).

For projects completed prior to September 4, 2005, and are subject to Title 458 engineering drawings and specifications must be submitted with an Application for Approval of Plans for Dams (<http://dnr.nebraska.gov/media/DamSafety/pdf/PlansforExistingFarmPondDam.pdf>) at the time of filing this application.

Category of Dam	Filing Requirements for Proposed Dam	Filing Requirements for Existing Dam Built Prior to 09-04-2005	FEES
≥ 15 AF Normal Storage And Subject to Title 458	<ul style="list-style-type: none"> Application for a Permit to Impound Water (API-001) Application for Approval of Plans for Dams Plans & Specifications in accordance with Title 458 must be filed within 6 months of filing Application to Impound Deed for property 	<ul style="list-style-type: none"> Application for a Permit to Impound Water (API-001) Application for Approval of Plans for Dams Plans & Specifications in accordance with Title 458, Chapter 5, must be filed concurrently with Application to Impound Deed for property 	<ul style="list-style-type: none"> Impound Application Fee Plan Review Fee at time of Plan submittal
≥ 15 AF Normal Storage And Not Subject to Title 458	<ul style="list-style-type: none"> Application for a Permit to Impound Water (API-001) Map in accordance with Title 457 must be filed within 6 months of Approval of Permit to Impound 	<ul style="list-style-type: none"> Application for a Permit to Impound Water (API-001) Map in accordance with Title 457 must be filed within 6 months of Approval of Permit to Impound 	<ul style="list-style-type: none"> Impound Application Fee
< 15 AF Normal Storage And Not Subject to Title 458 But Subject to <i>Neb.Rev.Stat. 46-241</i>	<ul style="list-style-type: none"> Application for a Permit to Impound Water (API-001) Map in accordance with Title 457 must be filed within 6 months of Approval of Permit to Impound 	<ul style="list-style-type: none"> Application for a Permit to Impound Water (API-001) Map in accordance with Title 457 must be filed within 6 months of Approval of Permit to Impound 	<ul style="list-style-type: none"> Impound Application Fee
< 15 AF Normal Storage And Subject to Title 458	<ul style="list-style-type: none"> Plans & specification in accordance with Title 458 Application for Approval of Plans for Dams Deed for property No Impound Form (API-001) required (<i>Neb. Rev. Stat. 46-241</i>) 	<ul style="list-style-type: none"> Plans & Specifications in accordance with Title 458 Application for Approval of Plans for Dams Deed for property No Impound Form (API-001) required (<i>Neb. Rev. Stat. 46-241</i>) 	<ul style="list-style-type: none"> Plan Review Fee at time of Plan submittal

FW: School Land Dam No. 3

Noble, Mark

Sent: Wednesday, February 26, 2014 8:32 AM

To: Cooper, Mark

Cc: Gokie, Tim; Eckles, Beth; Hayden, Tom; Beall, Lenny

Mark,

Thank you for your phone call about the School Land Dam No. 3 (the Morris Karlberg Dam) in Dawson County after you received our inspection report. You asked what needed to be done to the dam to bring it into compliance with our Department, or if the dam could be modified or removed so that it no longer falls under our jurisdiction.

I looked into what is required for your dam. As mentioned in the inspection report, we have never had plans for the dam. In 1974, based on a site visit, the dam was determined to be large enough to fall under our jurisdiction. However, we now have the 2009 LiDAR survey contours of the area available to us. Using those contours, we have determined that the dam is no longer large enough to fall under the jurisdiction of our Dam Safety program. It may be that the reservoir area has filled in considerably with sediment since 1974.

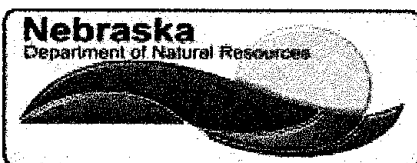
The LiDAR contours do indicate that the dam still has a normal storage capacity (the normal storage capacity is the storage capacity below the lowest spillway opening) of about 20 acre-feet below the auxiliary spillway crest. State statutes require the owner of any dam with a normal storage capacity of 15 acre-feet or more to obtain a storage permit from our Department. Therefore, if you choose to maintain the dam in its current condition, you will need to obtain a storage permit. Because your dam is located in an area that has a moratorium on new surface water appropriations, you must first request and be granted a variance from the moratorium so that you can file the application. The variance form can be found at the following website: <http://dnr.nebraska.gov/swr/for-leave-to-file-or-consider-an-application-for-a-new-surface-water-appropriation-within-a-moratorium-or-stay-area>. And the rules on filing a variance can be found here: <http://dnr.nebraska.gov/swr/variancerules>. An application for a storage permit can be found at the following website: <http://dnr.nebraska.gov/swr/application-for-a-permit-to-impound-water>. The contact person for permitting your dam is Beth Eckles, 402-471-0591 or beth.eckles@nebraska.gov.

In order to modify the dam so that it no longer is capable of storing 15 acre-feet of water (and then would not need a permit to impound), you could lower the auxiliary spillway crest by one foot.

If you remove the dam, make sure that the reservoir area is stabilized so that the sediment that has accumulated in the reservoir is not released downstream.

Could you please let us know what you plan to do about the dam? If you intend to modify or remove the dam, could you please let us know when the work is completed? We can then send somebody out to the site to document and verify that the dam has been modified or removed.

Mark Noble, P.E.
Dam Safety Engineer
Nebraska Department of Natural Resources
402-471-0581





Dave Heineman
Governor

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
Brian P. Dunnigan, P.E.
Director

February 10, 2014

IN REPLY TO:

NID 1434

RECEIVED
FEB 12 2014
BY: _____

Nebraska Board of Educational Lands & Funds
555 North Cotner Boulevard
Lincoln, NE 68505

Dear Nebraska Board of Educational Lands & Funds:

On January 11, 2013, Lenny Beall conducted the Department's periodic inspection of School Land Dam No. 3. Enclosed is the inspection report which includes a list of recommendations for the dam.

If you have any questions or comments about any of this information, please contact me at 402-471-0581 or mark.noble@nebraska.gov.

Sincerely,

Mark Noble, P.E.
Dam Safety Engineer

Enclosure

cc: Bridgeport Field Office

called 2/24/2014
11:45

ds-fp/noble/2014
DS-02102014-1434- cor (cover letter)

PERIODIC DAM SAFETY INSPECTION REPORT

SCHOOL LAND DAM NO 3

Prepared by:
NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Owned By:
MORRIS KARLBERG (*STATE SCHOOL LANDS*)

IDENTIFICATION NUMBER NE01434

INSPECTED: 01/11/2013
REPORT: 02/10/2014

Recommendations:

If any references are made to the "left" or "right" locations on the dam in this report, those references are made as if facing downstream.

EROSION ON DAM EMBANKMENT. Erosion was found at the following location(s) on the dam embankment: crest, upstream and downstream embankments. The erosion appeared to be caused by: cattle.

The eroded area(s) should be filled, compacted properly, and reseeded to establish a good grass cover. (If plans of the dam are available, the repaired area(s) of the dam embankment should be reconstructed to match the original design shown on the plans.) Hay bales or crushed rock could then be placed along the repaired area(s) to help keep the erosion from redeveloping.

UNAPPROVED DAM – NO STORAGE PERMIT AND NO PLANS. This dam has not been approved by the Department of Natural Resources (Department). The dam currently has an illegal status because:

1. A storage permit has never been obtained by the dam owner. A storage permit is required since the normal storage capacity below the lowest spillway opening is 15 acre-feet or more.
2. Plans for the dam have never been submitted to and approved by the Department.

The fact that the dam is inspected by the Department in accordance with the laws of the state of Nebraska (Neb. Rev. Stat. § 46-1664) in no way alters the illegal status of the dam.

To begin the permitting process, plans for the dam developed by a professional engineer along with the appropriate applications and fees must be submitted to the Department for review. A professional engineer must analyze the dam to assure it meets the minimum design standards for dams in Nebraska.

Please contact the Department for more information regarding the permitting process.

PERTINENT DATA

A. GENERAL:

NID ID:	NE01434
Field Office:	Bridgeport
Water Division:	1A (Platte River)
Hazard Potential:	L (Low)
Owner:	MORRIS KARLBERG <i>Bd of Educational Lands + Funds</i>
Designer:	UNKNOWN
Owner Type:	
Owner Address:	
City, State, Zip:	
Owner Phone:	

B. LOCATION:

County:	Dawson
River:	TR-WOOD RIVER
Latitude:	40.9216
Longitude:	-99.4966
Section/Township/Rang e:	SW S16 T11 R19W
Private Dam on Federal Property?:	N (No)

Directions to Dam:

C. HAZARD POTENTIAL

Downstream Town/City:	MILLER
Distance Downstream:	0 miles
Current Hazard Potential Class:	L (Low)
Designed as Classification:	Unknown (Unknown)
Emergency Action Plan?:	
Emergency Action Plan last updated:	

D. ENGINEERING INFORMATION

Dam Type:	RE (RE - Earthfill)
Core:	HEZ (Homogeneous Dam, Earth, Unknown)

Foundation:	SS (Soil, Estimated)
Purpose:	P (P - Fire Protection, Stock, Farm Pond)
Year Completed:	1948
Year Modified:	
Dam Length:	270 feet
Dam Height:	10 feet
Structural Height:	0 feet
Hydraulic Height:	0 feet
Maximum Discharge:	0 CFS
Maximum Storage:	70 acre-feet
Normal Storage:	28 acre-feet
Normal Surface Area:	10 acres
Drainage Area:	0 acres
Dam Volume:	
E. REGULATORY/INSPECTION INFORMATION	
State Regulated Dam?:	No
Regulatory Agency:	
Inspection Frequency:	5 year(s)
Inspection Date:	1/11/2013
Previous Inspection Date:	12/27/1994