

MISCELLANEOUS RECORD #11 222
NEBRASKA NATURAL RESOURCES COMMISSION

38

No.	11
Num.	222
Ord.	
Dep.	
Turn	

SAUNDERS CO. NEBRASKA
in NUM. INDEX
of Deeds Off.
Jan 6 1977 at 1:30 P.M.
Pg. 222
Muel

Register of Deeds
By *Louisa Ritz* Dep.
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In the matter of establishing floodway)
encroachment lines based on a one)
hundred year frequency flood within)
certain designated boundaries along)
the reaches of Wahoo Creek, Cottonwood)
Creek, Dry Run Creek, and Sand Creek,)
Saunders County, Nebraska.)

ORDER

NNRC - 29

38

Now on this 9th day of December, 1976, this matter comes on for consideration by the Nebraska Natural Resources Commission, and the Commission, being first duly advised in the premises and upon consideration, makes the following findings of fact and conclusions of law:

1. That notice was given, pursuant to statute, to all interested parties in Saunders County, Nebraska, and to all persons known to be affected by the proposed establishment of floodway encroachment lines within certain designated boundaries along the reaches of Wahoo Creek beginning near the East edge of Section 8, T14N, R7E, a distance of approximately 4 stream miles; Cottonwood Creek beginning near the Center of Section 9, T14N, R7E downstream to its confluence with Wahoo Creek in Section 9, T14N, R7E, a distance of approximately 1.75 stream miles; Dry Run Creek beginning near the East edge of Section 32, T15N, R7E downstream to its confluence with Cottonwood Creek in Section 9, T14N, R7E, a distance of approximately 2.5 stream miles; and Sand Creek beginning near the South edge of Section 27, T15N, R7E downstream to the South edge of Section 11, T14N, R7E, a distance of approximately 4.5 stream miles; all in Saunders County, Nebraska; and that a hearing was held in Wahoo, Saunders County, Nebraska at 7:30 p.m. on September 21, 1976 concerning these encroachment lines.

From the evidence, both testimonial and documentary, adduced at the aforesaid hearing, the Commission further finds:

1. That section 2-1506.03 Reissue Revised Statutes, 1943, directs the Commission as follows: "When sufficient data have been acquired to reasonably locate the floodway of a flood of one hundred year frequency, the Commission shall establish, by order, after a public hearing, floodway encroachment lines for such a floodway within which a political subdivision may establish land use regulations"; and that Flood Plain Information Report - Wahoo Creek, Cottonwood Creek, Dry Run Creek and Sand Creek, Wahoo, Nebraska, found in the record as exhibit 4, provides sufficient data as required by said section 2-1506.03.

2. That the term "intermediate regional flood" as used in the aforementioned exhibit 4 is synonymous with the term "flood of one hundred year frequency," as it is defined in section 2-1506.01 (1) Reissue Revised Statutes, 1943, and the

38-2
3. That the hydrologic procedure used by the Corps of Engineers, United States Army, Omaha District, in evaluating the flood of one hundred year frequency and in delineating the floodways of the one hundred year frequency flood contained in exhibit 4 is in accordance with 3-(2) of the Commission's Rules and Regulations and in accordance with the provisions of Water Resources Council Bulletin No. 15, A Uniform Technique for Determining Flood Flow Frequencies.

4. That the data presented by the record before this Commission contains a complete hydrologic study along the reaches of Wahoo Creek beginning near the East edge of Section 8, T14N, R7E, downstream to the SE corner of Section 10, T14N, R7E, a distance of approximately 4 stream miles; Cottonwood Creek beginning near the Center of Section 5, T14N, R7E downstream to its confluence with Wahoo Creek in Section 9, T14N, R7E, a distance of approximately 1.75 stream miles; Dry Run Creek beginning near the East edge of Section 32, T15N, R7E downstream to its confluence with Cottonwood Creek in Section 9, T14N, R7E, a distance of approximately 2.5 stream miles; and Sand Creek beginning near the South edge of Section 27, T15N, R7E downstream to the South edge of Section 11, T14N, R7E, a distance of approximately 4.5 stream miles; and includes a survey of the flooding situation, general conditions and past floods and a delineation in plain and profile of the flooded area of a flood of one hundred year frequency.

5. The map contained in the aforesaid exhibit 4 of the hearing record before this Commission provides an acceptable and reasonable delineation of the location of the floodway of a flood of one hundred year frequency along the reaches of Wahoo Creek beginning near the East edge of Section 8, T14N, R7E, downstream to the SE corner of Section 10, T14N, R7E, a distance of approximately 4 stream miles; Cottonwood Creek beginning near the Center of Section 5, T14N, R7E, downstream to its confluence with Wahoo Creek in Section 9, T14N, R7E, a distance of approximately 1.75 stream miles; Dry Run Creek beginning near the East edge of Section 32, T15N, R7E downstream to its confluence with Cottonwood Creek in Section 9, T14N, R7E, a distance of approximately 2.5 stream miles; and Sand Creek beginning near the South edge of Section 27, T15N, R7E downstream to the South edge of Section 11, T14N, R7E, a distance of approximately 4.5 stream miles, all in Saunders County, Nebraska; and that the estimated outer boundary of a flood of a one hundred year frequency was delineated in the aforesaid exhibit 4 on the applicable map by the areas filled with small blue dots.

6. That no oral or written testimony submitted at the hearing provided adequate information to warrant change in the boundaries as delineated in exhibit

32-3
7. That the boundaries delineated as noted in our finding number 7 above also delineate the floodway encroachment lines along the aforesaid stretches of watercourses, which encroachment lines the Commission is required, by section 2-1506.03(2) Reissue Revised Statutes, 1943, to establish.

8. That the establishment of floodway encroachment lines along the aforesaid stretches of watercourses is in the interest of public health, safety, and the general welfare.

IT IS, THEREFORE, ORDERED that floodway encroachment lines are established within the confines of Saunders County, Nebraska, along the reaches of Wahoo Creek beginning near the East edge of Section 8, T14N, R7E, downstream to the SE corner of Section 10, T14N, R7E, a distance of approximately 4 stream miles; Cottonwood Creek beginning near the Center of Section 5, T14N, R7E downstream to its confluence with Wahoo Creek in Section 9, T14N, R7E, a distance of approximately 1.75 stream miles; Dry Run Creek beginning near the East edge of Section 32, T15N, R7E downstream to its confluence with Cottonwood Creek in Section 9, T14N, R7E, a distance of approximately 2.5 stream miles; and Sand Creek beginning near the South edge of Section 27, T15N, R7E downstream to the South edge of Section 11, T14N, R7E, a distance of approximately 4.5 stream miles, all in Saunders County, Nebraska; which encroachment lines shall be coextensive and coterminous with the boundaries of the one percent annual frequency flood, or flood of a one hundred year frequency, as located on and by the map contained in exhibit 4 of the hearing record before this Commission; and that these floodway encroachment lines shall designate the boundaries of the Commission floodway along the lands affected by this order.

IT IS FURTHER ORDERED that all materials, graphs and maps contained in the aforesaid exhibit 4 are incorporated as a part of the foregoing order to the extent such materials are applicable to such order.

IT IS FURTHER ORDERED that this order shall become effective on January 15, 1977 following appropriate notice as provided by section 2-1506.03(2) Reissue Revised Statutes of Nebraska, 1943.

Entered this 9th day of December, 1976, at Lincoln, Nebraska.

NEBRASKA NATURAL RESOURCES COMMISSION

No Notarization
James E Cook
James E. Cook, Chairman

ATTEST:

Dayle E Williamson
Dayle E. Williamson, Executive Secretary