

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20029, PLAN OF RESERVOIR NUMBER 21466

AND MAP OF RESERVOIR 21507

WATER DIVISION 1-D

BACKGROUND

1. On July 31, 2024, Richard D. and Linda K. Clabaugh filed in the Department of Natural Resources (Department) application A-20029 for a permit to impound water and plan of reservoir 21466 according to *Title 457 Neb. Admin. Code Chapter 11*.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-20029, plan of reservoir 21466 and map of reservoir 21507 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Wild Cat Creek.
2. The priority date is July 31, 2024.
3. The water to be stored under this appropriation is for recreational purposes.
4. The amount of water that may be diverted shall not exceed 25 acre-feet per year to be stored in Clabaugh Reservoir. Clabaugh Dam is located in the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 27, Township 03 North, Range 08 East of the 6<sup>th</sup> P.M. in Gage County.
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-20029 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.

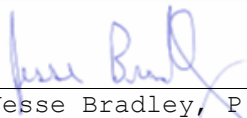
7. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.
8. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
  - A. Notify the Department of any change in ownership or address.
  - B. Receive written approval prior to taking any action that changes the storage capacity of this reservoir, plan of reservoir 21466 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

October 18, 2024

  
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Jesse Bradley, P.G., Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order, plan of reservoir 21466 and map of reservoir 21507 were provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

Jacob C. Robinson, P.E.  
Twin Oaks Consulting  
62451 Hwy 62  
Elk Creek, Nebraska 68348

Copies of this Order, plan of reservoir 21466 and map of reservoir 21507 were mailed to the following:

Richard D. and Linda K. Clabaugh  
326 Morton Drive  
Beatrice, Nebraska 68310