

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20056,

PLAN OF RESERVOIR 21602 AND MAP OF RESERVOIR 21566

WATER DIVISION 1-D

BACKGROUND

1. On February 7, 2025, William F. Kastanek, on behalf of Sheryl J. Kastanek and himself, filed in the Department of Natural Resources (Department) application A-20056 for a permit to impound water.
2. On February 7, 2025, William F. Kastanek also filed in the Department the following applications:
  - A. A-20057 for a permit to impound supplemental water from Turkey Creek.
  - B. A-20058 for a permit to appropriate water from Turkey Creek for irrigation.
  - C. A-20059 for a permit to appropriate water from Kastanek Pond for irrigation (storage appropriations A-20056 and A-20057).
3. Applications A-20056 and A-20057, if approved, would allow the appropriator to store a total of 25.50 acre-feet per year, based on multiple fills of Kastanek Pond located on Coon Creek.
4. On April 17, 2025, Michael Placke, P.E., M.B.A., JEO Consulting Group, on behalf of William F. and Sheryl J. Kastanek, filed in the Department plan of reservoir 21602 for A-20056 according to *Title 457 Neb. Admin. Code* Chapter 11.
5. Construction of Kastanek Pond has been completed.

ORDER

IT IS HEREBY ORDERED Application A-20056, plan of reservoir 21602 and map of reservoir 21566 are APPROVED subject to the following limitations and conditions:

1. The source of water is Coon Creek.
2. The priority date is February 7, 2025.
3. The water to be stored under this appropriation is for the purpose of providing water to storage-use appropriation A-20059 for an irrigation project authorized under natural-flow appropriation A-20058.


4. The total amount of water that may be diverted and stored in Kastanek Pond under A-20056 and A-20057 shall not exceed 25.50 acre-feet per year. This amount is based on a reservoir that has a capacity of 5.24 acre-feet and may be filled 4.87 times per year. The dam that impounds water in Kastanek Pond is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 07 North, Range 03 East of the 6<sup>th</sup> P.M. in Saline 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-20056 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. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
8. 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.
9. 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 21602 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 the 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

May 13, 2025

  
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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 and plan of reservoir 21602, and map of reservoir 21566 were provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

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