

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20086 AND MAP OF RESERVOIR 21598

WATER DIVISION 1-D

BACKGROUND

1. On April 2, 2025, Aaron Gruber filed in the Department of Natural Resources (Department) application A-20086 for a permit to impound supplemental water from Lincoln Creek.
2. Application A-20086 has an off-channel point of diversion and will require water to be diverted and pumped via pipeling to the existing pond.
3. On April 2, 2025, Aaron Gruber also filed in the Department application A-20085 for a permit to impound water on a tributary to Lincoln Creek.
4. Applications A-20085 and A-20086, if approved, would allow the appropriator to store a total of 16 acre-feet per year, based on multiple fills of Gruber's Pond located on a tributary to Lincoln Creek.
5. Construction of Gruber's Pond has been completed.

ORDER

IT IS HEREBY ORDERED Application A-20086 and map of reservoir 21598 are APPROVED subject to the following limitations and conditions:

1. A plan of reservoir according to *Department of Natural Resources Rules of Practice and Procedure, Title 457 Neb. Admin. Code Chapter 11* must be filed within six months of the signing date of this application approval or appropriation A-20086 will be CANCELLED.
2. The source of water is Lincoln Creek.
3. The priority date is April 2, 2025.
4. The water to be stored under this appropriation is for the purpose of providing supplemental water to storage appropriation A-20085 for recreation.
5. The amount of water that may be diverted shall not exceed eight acre-feet per year to be stored in Gruber's Pond. The total amount of water stored in Gruber's Pond under A-20085 and A-20086 shall not exceed 16 acre-feet per year. Such amount may be further limited by the Department upon approval of the required plan of reservoir.
6. Gruber's Dam is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 12 North, Range 01 West of the 6th P.M. in York County.

7. *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..."
8. The owner or possessor of the reservoir storing water pursuant to A-20086 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.
9. A measuring device approved by the Department is required. Contact the Lincoln Field Office before acquiring a measuring device to ensure the device will be acceptable.
10. Within two weeks after the first diversion of water under this application the appropriator must file written notice with the Lincoln Field Office informing the Department that the first irrigation diversions have occurred. The written communication must be signed by the appropriator and may be delivered by U.S. Postal Mail, hand delivered or sent via e-mail attachment to the Lincoln Field Office Supervisor.
11. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department .
12. 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.
13. 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 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.

DEADLINE:

A plan of reservoir according to *Department of Natural Resources Rules of Practice and Procedure, Title 457 Neb. Admin. Code Chapter 11* must be filed within six months of the signing date of this application approval. The plan shall be prepared by a professional engineer and shall include a statement as to the hazard classification of the dam and whether it is subject to the Safety of Dams and Reservoirs Act. If the stage-storage table indicates normal pool


capacity is less than 8 acre-feet, then the amount of water that may be diverted will be reduced. No rights shall be deemed to have been acquired until the provisions of this paragraph have been complied with, and a failure to do so shall cause a forfeiture of the appropriation and all rights thereof.

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 12, 2025



Jesse Bradley, P.G., Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir 21598 were provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

Aaron Gruber
2318 Road 20
Gresham, Nebraska 68367