

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**APPROVAL OF APPLICATION A-20104,
PLAN OF RESERVOIR 21656 AND MAP OF RESERVOIR 21672**

WATER DIVISION 1-F

BACKGROUND

On August 13, 2025, Randall F. and Amy G. Gyhra filed in the Department of Water, Energy, and Environment (Department) application A-20104 for a permit to impound water and plan of reservoir 21656 according to Title 457 Neb. Admin. Code Chapter 11.

ORDER

IT IS HEREBY ORDERED Application A-20104, Plan of Reservoir 21656 and map of reservoir 21672 are **APPROVED** subject to the following limitations and conditions:

1. **Source of Water**
The source of water is a tributary to Balls Branch.
2. **Priority Date**
The priority date is August 13, 2025.
3. **Purpose of Use**
The water to be stored under this appropriation is for the purpose of providing water for irrigation, flood and erosion control.
4. **Amount of Water Impounded**
The amount of water that may be impounded shall not exceed **41.4 acre-feet** per year to be stored in Gyhra East Reservoir. Gyhra East Dam will be located in the ~~NE¹/₄~~**NE¹/₄ of Section 26, Township 02 North, Range 10 East of the 6th P.M. in Pawnee County.**
5. **Condition**
Water may not be withdrawn from Gyhra East Reservoir for irrigation until an appropriation to do so is obtained.
6. **Required to Pass Inflows for Livestock**
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..."

7. **Structural Controls**

The owner or possessor of the reservoir storing water pursuant to A-20104 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.

8. **Measuring Device**

A measuring device, approved by the Department and at the Applicant's expense, **may be required** if so ordered by the Department.

9. **Ongoing Compliance Requirements**

The appropriator must:

- A. Notify the Department of any change in ownership or address.
- B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, map of reservoir number 21672 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.

6. **DEADLINE (S)**

The appropriator must:

- A. Construction must begin within twelve months of the application's approval date. The appropriator must continue construction diligently unless delayed by an unavoidable natural cause.
- B. **November 1, 2027**, is the date construction of the structure must be completed.
- C. The applicant, pursuant to Neb. Rev. Stat. §46-242(3), has a preferred right to file an application for a permit to appropriate the water stored for some useful purpose until **May 1, 2028**.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Department may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



December 8, 2025

Matthew T. Manning, PE, JD

Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order, Plan of Reservoir 21656 and map of reservoir 21672 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, Plan of Reservoir 21656 and map of reservoir 21672 were mailed to the following:

Randall F. and Amy G. Gyhra
61640 Hwy 8
Pawnee City, Nebraska 68420

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