STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-20115

WATER DIVISION 2-B

BACKGROUND

On January 20, 2026, Benjamin Drews, on behalf of Capehart Ridge, LLC, filed in the Department of Water, Energy, and Environment (Department) application A-20115 for a permit to impound water.

ORDER

IT IS HEREBY ORDERED Application A-20115, is APPROVED subject to the following limitations and conditions:

1. **Plan of Reservoir**
   A plan of reservoir according to Department 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-20115 will be CANCELLED.**

2. **Source of Water**
   The source of water is **a tributary to Western Sarpy Ditch** located in the **NE¼SW¼ of Section 02, Township 13 North, Range 10 East of the 6th P.M. in Sarpy County** for the purpose of erosion control and recreation.

3. **Priority Date**
   Appropriation A-20115 has a priority date of **January 20, 2026.**

4. **Purpose of Use**
   The water to be stored under this appropriation is for the purpose of providing water for erosion control and recreation.

5. **Amount of Water Impounded**
   The amount of water that may be impounded shall not exceed **85 acre-feet** per year to be stored in Cardinal Lake. Such amount may be further limited by the Department upon approval of the required plan of reservoir, located in the **NE¼SW¼ of Section 02, Township 13 North, Range 10 East of the 6th P.M. in Sarpy County.**

6. **Condition**
   Water may not be withdrawn from Cardinal Lake for irrigation until an appropriation to do so is obtained.

7. **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 ...”

8. Structural Controls

The owner or possessor of the reservoir storing water pursuant to A-20115 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. Measuring Device

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

10. 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 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.

DEADLINE

A reservoir plan must be **submitted within six months** of the application's approval date, in accordance with Title 457, Neb. Admin. Code, Chapter 11. The plan must be prepared by a professional engineer and include the dam’s hazard classification and whether it falls under the Safety of Dams and Reservoirs Act. If the stage-storage table shows a normal pool capacity of **less than 85 acre-feet**, the **approved diversion amount will be reduced.** No water rights are granted until all requirements of this paragraph are met. Failure to comply will result in forfeiture of the appropriation and all associated rights.

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

March 11, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and the Department's *Rules of Practice and Procedure Title 457 Admin. Code* Chapter 11 were mailed to the following:

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