

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19858 AND MAP OF RESERVOIR 21021

WATER DIVISION 2-F

BACKGROUND

1. On June 13, 2022, Pedro Linale filed in the Department of Natural Resources (Department) application A-19858 for a permit to impound water.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19858 and map of reservoir 21021 are APPROVED subject to the following limitations and conditions:

1. The source of water is East Knight Creek located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 16 North, Range 12 East of the 6th P.M. in Douglas County.
2. The priority date is June 13, 2022.
3. The water to be stored under this appropriation is for the purpose of providing water for recreation.
4. The amount of water that may be diverted shall not exceed 5.0 acre-feet per year to be stored in Pedro's Pond. Pedro's Dam is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 16 North, Range 12 East of the 6th P.M. in Douglas 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. Relevant to the paragraph above, the owner or possessor of the reservoir storing water pursuant to A-19858 shall have mechanical means to immediately adjust the diversion from the source stream if so ordered by the Department.
7. A measuring device approved by the Department to monitor diversions to the reservoir may be required if so ordered by the Department.

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 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.

6. The appropriator must comply with the following deadline:
 - A. 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 5.0 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



Thomas E. Riley, P.E., Director

July 19, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir 21021 were provided to the Department's field office in Norfolk, Nebraska. A copy of this Order and map of reservoir number 21021 were mailed to the following:

Pedro Linale
11516 North 76th Plaza
P.O. Box 34535
Omaha, Nebraska 68122