

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19855 AND PLAN OF RESERVOIR 21016

WATER DIVISION 2-A

BACKGROUND

1. On May 25, 2022, Randy Koperski (Appropriator) filed in the Department of Natural Resources (Department) application A-19855 for a permit to impound water and plan of reservoir 21016 according to *Title 457 Neb. Admin. Code Chapter 11*.
2. The Appropriator has agreements in place to utilize the water stored behind the county road structure impounding the water.
3. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19855, plan of reservoir 21016 and map of reservoir 21020 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Turkey Creek.
2. The priority date is May 25, 2022.
3. The water to be stored under this appropriation is for the purpose of providing supplemental water for an irrigation project authorized under natural-flow appropriation A-19830.
4. The amount of water that may be diverted shall not exceed 17.4 acre-feet per year to be stored in 9th Avenue Road Reservoir. The dam that stores water in the 9th Avenue Road Reservoir is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 14 North, Range 11 West of the 6th P.M. in Howard 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-19855 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. 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 21016 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.

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

September 22, 2022

A copy of this Order was posted on the Department's website. Copies of this Order, plan of reservoir 21016, and map of reservoir 21020 were provided to the Department's field office in Ord, Nebraska. A copy of this Order, plan of reservoir 21016 and map of reservoir 21020 were mailed to the following:

Randy Koperski
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Dannebrog, Nebraska 68831