

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19879 AND MAP OF RESERVOIR 21099

WATER DIVISION 1-D

BACKGROUND

1. On October 3, 2022, Roy and Rebecca Schwisow filed in the Department of Natural Resources (Department) application A-19879 for a permit to impound water.
2. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-19879, and map of reservoir 21099 are APPROVED subject to the following limitations and conditions:

1. The source of water is Wildcat Creek located in the SW¹/₄SW¹/₄ of Section 16, Township 02 North, Range 08 East of the 6th P.M. in Gage County.
2. The priority date is October 3, 2022.
3. The water to be stored under this appropriation is for the purpose of recreation.
4. The amount of water that may be diverted shall not exceed 4.2 acre-feet per year to be stored in Schwisow Pond. Schwisow Dam is located in the SW¹/₄SW¹/₄ of Section 16, Township 02 North, Range 08 East of the 6th P.M. in Gage 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. A continuous recording device approved by the Department is required.
7. This appropriation is subject to the provisions of the Blue River Compact and the appropriator may be denied diversion if Compact flows are not being met.

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 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. 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 4.2 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

November 9, 2022

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir 21099 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map of reservoir 21099 were mailed to the following:

Roy and Rebecca Schwisow
112 Regency Drive
Beatrice, Nebraska 68310