

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY AND ENVIRONMENT
APPROVAL OF PLAN NUMBER P-21777

BACKGROUND

1. On June 1, 2026, Kevin Flaherty, Managing Member of MFK, LLC, filed in the Department of Water, Energy and Environment (Department) an Application for Approval of Plans for Dams and plan P-21777 (collectively "plans").
2. The plan, P-21777, is for the modification of Stiver North Dam, an existing dam subject to the *Safety of Dams and Reservoirs Act*. The dam is located in Scotts Bluff County in the Northeast 1/4 of Section 22, Township 22 North, Range 56 West of the 6th P.M.
3. Thomas Parker, P.E. (License No. E-18792) of Ducks Unlimited Inc., 2114 Midpoint Drive, Suite 1, Fort Collins, Colorado 80525, prepared plan P-21777.
4. MFK, LLC, 1965 Burnside Road, Sebastopol, California 95472, owns the dam.
5. The plans were examined by a registered professional engineer of the Department and it was found that upon completion of the project, Stiver North Dam will be less than 25 feet in height and have a maximum storage capacity less than 50 acre-feet. Therefore, Stiver North Dam will no longer be considered a dam as defined by Neb. Rev. Stat. 46-1611.
6. The Department consulted with the Nebraska Game and Parks Commission as required by the *Nebraska Nongame and Endangered Species Conservation Act*. As a result of this consultation, the Nebraska Game and Parks Commission determined "It is unlikely this project will negatively impact listed species or their designated critical habitat".

ORDER

IT IS HEREBY ORDERED the plans are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of construction until November 1, 2028.
2. The dam owner shall provide written notice to the Department at least ten days before construction at the dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's Dam Safety Division. Notices may be delivered to the Department by mail, facsimile, or electronic mail.
3. The dam owner must comply with all relevant statutes. This includes, but is not limited to, assume liability for all damages due to leakage or structural failure of the dam.

4. This approval does not relieve the dam owner from compliance with other applicable federal, state, and local laws, regulations, or rules.
5. Upon completion of the construction, the dam owner shall file with the Department the enclosed "Construction Certification Form for Dams".

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to any orders issued by the Chief Water Officer of the Department of Water, Energy and Environment may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF WATER, ENERGY AND ENVIRONMENT



August 12, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-21777, and a "Construction Certification Form for Dams" were mailed on August 12, 2026, to MFK, LLC, c/o Kevin Flaherty, 1965 Burnside Road, Sebastopol, California 95472. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Thomas Parker, P.E., Ducks Unlimited Inc., 2114 Midpoint Drive, Suite 1, Fort Collins, Colorado 80525. Copies of this approval and plan P-21777 were provided to the Department's field office in Bridgeport, Nebraska.