

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20057 AND MAP OF RESERVOIR 21567

WATER DIVISION 1-D

BACKGROUND

1. On February 7, 2025, William F. Kastanek filed in the Department of Natural Resources (Department) application A-20057 for a permit to impound supplemental water from Turkey Creek.
2. Application A-20057 has an off-channel point of diversion and will require water to be diverted and pumped via pipeline to the existing pond.
3. On February 7, 2025, William F. Kastanek also filed in the Department the following applications:
  - A. A-20056 for a permit to impound water from Coon Creek.
  - B. A-20058 for a permit to appropriate water from Turkey Creek for irrigation.
  - C. A-20059 for a permit to appropriate water from Kastanek Pond for irrigation (storage appropriations A-20056 and A-20057).
4. Applications A-20056 and A-20057, if approved, would allow the appropriator to store a total of 25.50 acre-feet per year, based on multiple fills of Kastanek Pond located on Coon Creek.

ORDER

IT IS HEREBY ORDERED Application A-20057 and map of reservoir 21567 are APPROVED subject to the following limitations and conditions:

1. The source of water is Turkey Creek located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 07 North, Range 03 East of the 6th P.M. in Saline County.
2. The priority date is February 7, 2025.
3. The water may be diverted from a pumpsite located on the right bank of the stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, Township 07 North, Range 03 East of the 6th P.M. in Saline County, into an underground pipeline and discharged into Kastanek Pond in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26 of said legal description as depicted on map number 21576.
4. The water to be stored under this appropriation is for the purpose of providing supplemental water to storage-use appropriation A-20059 for an irrigation project also authorized under natural-flow appropriation A-20058.

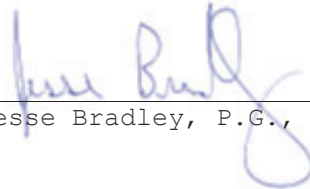
5. The total amount of water that may be diverted and stored in Kastanek Pond under A-20056 and A-20057 shall not exceed 25.50 acre-feet per year. This amount is based on a reservoir that has a capacity of 5.24 acre-feet and may be filled 4.87 times per year. The dam that impounds water in Kastanek Pond is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 07 North, Range 03 East of the 6<sup>th</sup> P.M. in Saline County.
6. *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 ..."
7. The owner or possessor of the reservoir storing water pursuant to A-20057 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.
8. A measuring device approved by the Department is required. Contact the Lincoln Field Office before acquiring a measuring device to ensure the device will be acceptable.
9. Within two weeks after the first diversion of water under this application the appropriator must file written notice with the Lincoln Field Office informing the Department that the first irrigation diversions have occurred. The written communication must be signed by the appropriator and may be delivered by U.S. Postal Mail, hand delivered or sent via e-mail attachment to the Lincoln Field Office Supervisor.
10. A continuous recording device approved by the Department to monitor reservoir levels may be required if so ordered by the Department.
11. This appropriation is subject to the provisions of the Blue River Compact and the appropriator could be required to pass inflows if Compact flows are not being met.
12. 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. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
  - C. Release a portion of the reservoir inflows for livestock where required, unless the 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

May 13, 2025

  
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Jesse Bradley, P.G., Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir 21567 were provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

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