

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**APPROVAL OF APPLICATION A-20080, PLAN NUMBER 21578**

**AND MAP OF RESERVOIR NUMBER 21585**

WATER DIVISION 2-B

**BACKGROUND**

1. On February 26, 2025, Eric Gottschalk, on behalf of Lower Platte North NRD, filed in the Department of Water, Energy, and Environment (Department) application A-20080 for a permit to impound water, application for approval of plans for dams, construction specifications and plan number 21578.
2. On June 10, 2026, Daniel S. Lightbody, P.E., corrected filed plan number 21578.
3. The plan is for a proposed dam subject to the Safety of Dams and Reservoirs Act.
4. Daniel S. Lightbody, P.E., Olsson, 601 P Street, Suite 200, Lincoln, Nebraska 68508, prepared the drawings and construction specifications.
5. Lower Platte North Natural Resources District is the owner of the reservoir and dam.
6. The drawings and construction specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current industry standards.
7. The applicant agreed to following conservation measures specified by the Nebraska Game and Parks Commission pursuant to the Nongame and Endangered Species Conservation Act Neb. Rev. Stat. § 37-807, as described in concurrence letter dated May 11, 2026, as shown in **Attachment A**.

**ORDER**

**IT IS HEREBY ORDERED** Application A-20080, plan number 21578 and map of reservoir number 21585 are **APPROVED** subject to the following limitations and conditions:

1. **Source of Water**  
The source of water is a tributary to Wahoo Creek.
2. **Priority Date**  
The priority date is February 26, 2025.
3. **Purpose of Use**  
The water to be stored under this appropriation is for the purpose of providing water for flood reduction and stream stabilization.

4. **Amount of Water Impounded**

The amount of water that may be impounded shall not exceed **190.1 acre-feet** per year to be stored in **Wahoo Creek 55 Reservoir**. The dam that impounds water in Wahoo Creek 55 Reservoir will be located in **Section 23, Township 14 North, Range 05 East of the 6<sup>th</sup> P.M. in Saunders County**.

5. **Required to Pass Inflows for Livestock**

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. **Structural Controls**

The owner or possessor of the reservoir storing water pursuant to A-20080 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. **Measuring Device**

A measuring device, approved by the Department and at the Applicant's expense, **may be required** if so ordered by the Department.

8. **Ongoing Compliance Requirements**

The appropriator must:

- A. Notify the Department of any change in ownership or address.
- B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, map of reservoir number 21578 or the type of appropriation.
- C. Construct, operate and maintain the structure in accordance with Neb. Rev. Stat. § 46-241 and the Safety of Dams and Reservoirs Act, §§ 46-1601 to 46-1670.
- D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
- E. Release a portion of the reservoir inflows for livestock where required, unless the appropriator is a political subdivision.

**DEADLINE (S)**

9. The appropriator must:

- A. Notify the Department of any change in ownership or address.
- B. Construction must begin within 12 months of application approval and must continue diligently, unless delayed by unavoidable natural causes.
- C. **November 1, 2028**, is the date construction of the structure must be completed.

- D. Upon completion of the structure, the appropriator shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate shall be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this Order. No impoundment in the structure shall occur prior to issuance of the approval to operate.
- E. Under Neb. Rev. Stat. §46-242(3), the applicant has a preferred right to file for a permit to appropriate the stored water for a beneficial use until **May 1, 2029**.

**ADDITIONAL INFORMATION**

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Department may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



June 30, 2026

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Matthew T. Manning, PE, JD  
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order, engineering review report, plan number 21578 and map of reservoir number 21585 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and a "Construction Certification Form for Dams" were mailed to the following:

Daniel S. Lightbody, P.E.  
Olsson  
601 P Street, Suite 200  
Lincoln, Nebraska 68508

Copies of this Order, plan number 21578, map of reservoir number 21585 and a "Construction Certification Form for Dams" were mailed to the following:

Eric Gottschalk  
Lower Platte North Natural Resources District  
511 Commercial Park Road  
Wahoo, Nebraska 68066  
lpnnrd@lpnnrd.org