

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-20134 AND MAP OF RESERVOIR 21781

WATER DIVISION 1-D

BACKGROUND

1. On April 13, 2026, Aaron Gruber filed in the Department of Water, Energy, and Environment (Department) application A-20134 for a permit to impound supplemental water.
2. Application A-20134 has an off-channel point of diversion and will require water to be diverted and pumped via pipeline to the existing pond.
3. Previously, on April 3, 2026, Aaron Gruber filed in the Department application A-20132 for a permit to impound water on a tributary to Lincoln Creek.
4. Construction of Gruber's Pond has been completed.

ORDER

IT IS HEREBY ORDERED Application A-20134, and map of reservoir 21781 are **APPROVED** subject to the following limitations and conditions:

1. Condition

A **plan of reservoir** in accordance with Department Rules of Practice and Procedure, Title 457 Neb. Admin. Code Chapter 11 **must be filed within six (6) months of the approval signing date. Failure to file** within this timeframe will result in **CANCELLATION** of appropriation.

If the required **plan of reservoir** is not filed within the specified timeframe, **storage use appropriation A-20133** will also be **CANCELLED**.

2. Source of Water

The source of water is **Lincoln Creek**.

3. Priority Date

The priority date is **April 13, 2026**.

4. Purpose of Use

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-19988 and for irrigation of additional lands authorized under A-20133.

5. **Amount of Water Impounded**

The amount of water that may be impounded shall not exceed **eight acre-feet** per year to be stored in Gruber's Pond. The **total amount** of water stored in Gruber's Pond under **A-20132 and A-20134 shall not exceed 16 acre-feet per year**. Such amount may be further limited by the Department upon approval of the required plan of reservoir.

6. **Location**

Gruber's Pond is located in the **SE¹/₄SE¹/₄** of **Section 26, Township 12 North, Range 01 West of the 6th P.M. in York County**.

7. **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..."

8. **Structural Controls**

The owner or possessor of the reservoir storing water pursuant to A-20134 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.

9. **Measuring Device**

An approved measuring device, approved by the Department and at the Appropriator's expense, is **required**. Contact the Lincoln Field Office **before acquiring a device** to ensure compliance.

10. **First Diversion Notification**

The appropriator must notify the Lincoln Field Office in writing **within two weeks** of the first water diversion. This notice must be signed and may be delivered via U.S. mail, hand delivery, or email.

11. **Compact Compliance**

This appropriation is subject to the **Blue River Compact** and may be closed if Compact flow requirements are not met.

12. **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 20134 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 the appropriator is a political subdivision.

DEADLINE (S)

A **plan of reservoir** according to Department 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 8 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 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

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map of reservoir 21781 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, map of reservoir 21781 and the Department's Rules of Practice and Procedure Title 457 Admin. Code Chapter 11 were mailed to the following:

Aaron Gruber
2318 Road 20
Gresham, Nebraska 68367