

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-20147,

PETITION FOR A WAIVER OF OUTLET WORKS DWV-11912

AND PLAN OF RESERVOIR NUMBER 21774 AND MAP OF RESERVOIR NUMBER 21802

WATER DIVISION 1-F

BACKGROUND

1. On May 26, 2026, Jerome A. and Lori B. Dworak filed in the Department of Water, Energy, and Environment (Department) application A-20147 for a permit to impound water, Plan of Reservoir 21774 according to *Title 457 Neb. Admin. Code Chapter 11* and Petition for Waiver of Outlet Works DWV-11912.
2. On May 26, 2026, Jerome A. and Lori B. Dworak also filed in the Department application A-20148 for a permit to appropriate water from Schlichtemeier Reservoir No. 2.
3. The applicant has agreed to the 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:

No tree removal between May 15 and July 31st to avoid the maternity roosting seasons of the northern long-eared bat.

ORDER

IT IS HEREBY ORDERED Application A-20147, plan of reservoir 21774, petition DWV-11912 and map of reservoir 21802 are **APPROVED** subject to the following limitations and conditions:

1. **Source of Water**
The source of water is a tributary to the North Branch of Weeping Water Creek.
2. **Priority Date**
The priority date is May 26, 2026.
3. **Purpose of Use**
The water to be stored under this appropriation is for the purpose of providing water for an irrigation project authorized under storage use appropriation A-20148.

4. **Amount of Water Impounded**

The amount of water that may be impounded shall not exceed **13.2 acre-feet** per year to be stored in Schlichtemeier Reservoir No. 2. The dam that impounds water in Schlichtemeier Reservoir No. 2 will be located in the ~~NW~~¹/₄~~NW~~¹/₄ of **Section 33, Township 11 North, Range 13 East of the 6th P.M. in Cass 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-20147 shall have structural controls in place or other mechanical means to immediately release all or 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. **Petition for Waiver of Outlet Works**

A waiver of the outlet works requirement, granted under Petition DWV-11912, does not release the owner from the obligation to pass all or a portion of reservoir inflow downstream if needed for water administration or livestock use, unless the appropriator is a political subdivision. The Department may rescind the waiver and require outlet works in the future if it determines that this obligation is not being, or cannot be, met by other means.

9. **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 21802 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.

10. **DEADLINE(S)**

The appropriator must:

- A. Construction must begin within 12 months of application approval and must continue diligently, unless delayed by unavoidable natural causes.
- B. **November 1, 2029**, is the date construction of the structure must be completed.

11. **Additional Permits and Approvals**

The approval granted by this Order is limited to the authority expressly provided herein. The appropriator is solely responsible for obtaining any additional permits, approvals, licenses, or authorizations that may be required by applicable federal, state, or local law, including those required by other governmental agencies or political subdivisions. Nothing in this Order shall be construed as authorizing any activity that requires a separate permit, approval, license, or authorization, or as relieving the appropriator of any obligation to comply with applicable federal, state, or local laws, rules, regulations, ordinances, or permitting requirements.

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



September 16, 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, plan of reservoir 21774 and map of reservoir 21802 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order, plan of reservoir 21774, map of reservoir 21802 and the Department's *Rules of Practice and Procedure Title 457 Admin. Code Chapter 11* were mailed to the following:

Jerome A. and Lori B. Dworak
3400 South Habitat Land
Boise, Idaho 83706