STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF APPLICATION A-20158 AND MAP OF RESERVOIR 21827

WATER DIVISION 2-C

BACKGROUND

1. On August 13, 2026, Garret Kuhl and Dennis Kuhl, filed in the Department of Water, Energy, and Environment (Department) application A-20158 for a permit to impound supplemental water from Verdigre Creek in Kuhl Pond.

2. Application A-20158 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 August 13, 2026, Garret Kuhl filed in the Department application A-20157 to impound water from a tributary to Verdigre Creek in Kuhl Pond and plan of reservoir 21825.

4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-20158 and map of reservoir 21827 are **APPROVED** subject to the following limitations and conditions:

1. Source of Water
The source of water is Verdigre Creek.

2. Priority Date
The priority date is August 13, 2026.

3. Purpose of Use
The water to be stored under this appropriation is for the purpose of providing supplemental storage water to maintain the level of Kuhl Pond.

4. Amount of Water Impounded
The amount of water that may be impounded shall not exceed **18.96 acre-feet** per year to be stored in Kuhl Pond. The total amount of water stored in Kuhl pond under appropriations A-20157 and A-20158 shall not exceed **25.28 acre-feet per year**. The dam that impounds water in Kuhl Pond is located in the **NW¼SW¼ of Section 05, Township 31 North, Range 06 West of the 6th P.M. in Knox County.**

5. Location
The source of water is located in the NW¼SE¼ of Section 05, Township 31 North, Range 06 West of the 6th P.M. in Knox County.

6. 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..."

7. Structural Controls

The owner or possessor of the reservoir storing water pursuant to A-20158 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. Measuring Device

A measuring device, approved by the Department and at the Applicant's expense, is required. Contact the Ord Field Office before acquiring a device to ensure compliance.

9. First Diversion Notification

The appropriator must notify the Ord 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.

10. 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, plan of reservoir number 21825 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.

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



November 5, 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 21827 were provided to the Department's field office in Ord, Nebraska and mailed to the following:

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