

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18529
FOR A PERMIT FOR TO IMPOUND WATER AND PLAN P-17023

WATER DIVISION 1-C

BACKGROUND

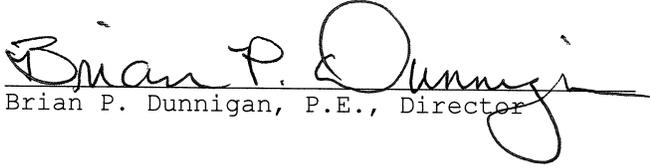
1. On July 11, 2007, Steve Westerbuhr, P.E., on behalf of Scholl Brothers Feedyard, filed in the Department of Natural Resources (Department) application for approval of plans for dams, specifications and plan P-17023. The project proposed by plan P-17023 is to increase the size of the existing Holding Pond #2, which is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 2 North, Range 5 West of the 6th P.M. in Nuckolls County.
2. On August 16, 2007, Steve Westerbuhr, P.E., on behalf of Scholl Brothers Feedyard, filed in the Department of Natural Resources (Department) application A-18529. Application A-18529 requests a permit to impound 200 acre-feet of water from a tributary to Thawes Creek, to be stored in Holding Pond #2.
3. The status of application A-18529 is pending.
4. On September 17, 2013, the Department received information that the owner of the land where Holding Pond #2 is located is owned by Krogh & Krogh, Inc.
5. Pursuant to *Neb. Rev. Stat.* § 46-234, the Department may refuse an application if facilities other than those owned or operated by the applicant are to be utilized and the applicant fails to show by documentary evidence, agreements with the owner and operator of the facilities to allow the applicant to use such facilities.
6. No such documentary evidence has been supplied.

ORDER

IT IS HEREBY ORDERED application A-18529 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

November 25, 2013


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Lincoln, Nebraska. A copy of this Order was mailed on November 25, 2013, to the following:

Scholl Brothers Feedlot
c/o Jeff Scholl
4536 Highway 136
Nelson, Nebraska 68961

Krogh & Krogh, Inc.
c/o John Krogh
4436 Highway 136
Nelson, Nebraska 68961