

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-15841

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-15841 is held by Cottonwood Valley Farms, LLC.
2. Appropriation A-15841 with a priority date of April 16, 1981, authorizes the use of water for irrigation of the 21.6 acres of land described below. The water may be diverted from the Platte River at a point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 16 North, Range 02 East of the 6th P.M. in Butler County. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.31 cfs.

Township 16 North, Range 02 East of the	
<u>6th P.M. in Butler County</u>	
	Acres
Section 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$	19.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>2.1</u>
TOTAL	21.6

3. The Department has received information concerning the use of surface water appropriation A-15841 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 14, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-15841. The Notice was delivered by certified mail to Cottonwood Valley Farms, LLC, 1197 34th Road, David City, Nebraska 68632.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-15841 has not been used for its required purpose for more than five consecutive years.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-15841 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



April 17, 2023

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

Cottonwood Valley Farms, LLC
1197 34th Road
David City, Nebraska 68632