

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-14657

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14657 is held by Kolb Farms, Inc.
2. Appropriation A-14657 with a priority date of January 24, 1977, authorizes the use of water for irrigation of the 281.9 acres of land described below. The water may be diverted from Clear Creek at points of diversion located on the left bank of the stream in the $W\frac{1}{2}W\frac{1}{2}$ of Section 02, Township 13 North, Range 09 East and in the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 35, Township 14 North, Range 09 East of the 6th P.M. in Saunders 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 combined rate of 4.03 cfs from all points of diversion.

<u>Township 13 North, Range 9 East of the</u>		<u>Acres</u>
<u>6th P.M. in Saunders County</u>		
Section 02:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.7
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	41.5
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.5
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.4
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.8
 <u>Township 14 North, Range 9 East of the</u>		
<u>6th P.M. in Saunders County</u>		<u>Acres</u>
Section 35:	NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	<u>39.4</u>
	TOTAL	281.9

3. The Department has received information concerning the use of surface water appropriation A-14657 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 12, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-14657. The Notice was delivered by certified mail to Harold Kolb, Kolb Farms, Inc., 84 County Road 5, Ashland, Nebraska 68003.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.

6. The Department has determined that appropriation A-14657 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-14657 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

June 20, 2023

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:

Harold Kolb
Kolb Farms, Inc.
84 County Road 5
Ashland, Nebraska 68003