

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-19909

AND CANCELLATION OF APPROVAL OF PLAN P-21172

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) indicate that surface water appropriation A-19909 is held by **Steven and Sandra Kostal**.
2. Plan number **P-21172** and surface water appropriation A-19909 were approved by the Department on **September 12, 2023**.
3. Appropriation A-19909 has a priority date of **March 15, 2023**, and authorizes the appropriator to store **34.09 acre-feet** of water from a tributary to Big Indian Creek in Kostal Reservoir, located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 01 North, Range 05 East of the 6th P.M. in Gage County**.
4. The approval of appropriation A-19909 was conditioned upon construction beginning by **September 12, 2024**.
5. On April 2, 2026, the Department received information from Steven Kostal indicating that construction has not commenced due to the expense of the project and limited water availability in the Big Blue River.
6. *Nebraska Revised Statutes* § 46-238 provides for the cancellation of an appropriation when the appropriator fails to comply with the required construction commencement date.

ORDER

IT IS HEREBY ORDERED appropriation A-19909 and approval of plan number P-21172 are **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



April 27, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's Dam Safety Division and field office in Lincoln Nebraska. Copies of this Order and field investigation report were mailed to the following:

Steven R. & Sandra L. Kostal
105 High Street
Odell, Nebraska 68415