

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE  
OF SURFACE WATER APPROPRIATION A-11680**

WATER DIVISION 2-A

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-11680 is held by Mark C. and Helen K. Westmeyer and Kari L. Westmeyer.
2. Appropriation A-11680 has a priority date of March 28, 1969, and authorizes the use of water for irrigation of the 22 acres of land described below. The water may be diverted from the Loup River through the Columbus-Genoa Canal at a point of diversion located in the NW<sup>1</sup>/<sub>4</sub> of Section 06, Township 16 North, Range 04 West of the 6<sup>th</sup> P.M. in Nance County and withdrawn from the canal in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> in Section 26, Township 18 North, Range 02 West of the 6<sup>th</sup> P.M. in Platte County. The rate that water may be diverted shall not exceed 0.31 cubic foot feet per second (cfs) from all points of diversion.

Township 18 North, Range 02 West of the 6 <sup>th</sup> P.M. in Platte County	Acres
Section 26: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	10
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>12</u>
TOTAL	22

3. The Department has received information concerning the use of surface water appropriation A-11680 and determined that the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.
4. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04.
5. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that appropriation A-11680 will be cancelled unless the Department's determination is successfully contested.
6. The owner(s) of the land that may be irrigated under water appropriation A-11680 may:
  - A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling all of water appropriation A-11680.**

- B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on March 12, 2025. No filing fee is required.
7. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, Neb. Rev. Stat. §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; and (3) a copy of the Report of Field Investigation which is the basis for the determination.
8. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.
9. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES

February 10, 2025

  
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Jesse Bradley, P.G., Interim Director

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's field office in Norfolk, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail to the following:

Kari Westmeyer  
30559 265 Street  
Platte Center, Nebraska 68653

Mark C. and Helen K. Westmeyer  
32399 276 Street  
Platte Center, Nebraska 68653