

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-13432B**

WATER DIVISION 2-B

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-13432B is held by Ridgeview Enterprises LLC and Kirk Estee et al,.
2. Appropriation A-13432B has a priority date of February 20, 1975, and authorizes the use of water for irrigation of the 12.0 acres of land described below. The water may be diverted from the Elkhorn River at a point of diversion located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 19 North, Range 07 East of the 6th P.M. in Dodge County. The rate that water may be diverted shall not exceed 0.08 cubic feet per second (cfs).

Township 19 North, Range 07 East of the 6 th P.M. in Dodge County		Acres
Section 13:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>7.5</u>
	TOTAL	12.0

3. The Department has received information concerning the use of surface water appropriation A-13432B 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-13432B 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-13432B 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-13432B.**

- 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 April 8, 2024. 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



March 7, 2024

Thomas E. Riley, P.E., 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:

Bravo Properties, LLC
620 North 156th Avenue
Omaha, Nebraska 68118

Kirk Estee et al
2506 South 95th Circle
Omaha, Nebraska 68124

Ridgeview Enterprises, LLC
1344 South 162nd Avenue
Omaha, Nebraska 68130