

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-2655**

WATER DIVISION 2-B

1. Department records show that Surface Water Appropriation A-2655 is held by the **Arnold and June Werner Family Trust**.
2. Appropriation A-2655 has a priority date of **November 9, 1936**, and authorizes use of water for irrigation on **59.2 acres**, described below. Water may be diverted from **Buffalo Creek** at a point of diversion located on the left bank of the stream in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$** of **Section 23, Township 24 North, Range 04 West of the 6th P.M. in Madison County**. The maximum diversion rate shall not exceed **0.43 cubic feet per second (cfs)**.

<u>Township 24 North, Range 04 West of the 6th P.M. in Madison County</u>		<u>Acres</u>
Section 23:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	13.4
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	12.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>11.6</u>
TOTAL		59.2

3. Based on information received and records reviewed, the Department has determined that Appropriation A-2655 has not been used for irrigation for **more than five consecutive years**, as required by Nebraska law.
4. At this time, the Department is unaware of any sufficient cause for nonuse under **Neb. Rev. Stat. § 46-229.04**.
5. Pursuant to **Neb. Rev. Stat. § 46-229.02**, this Notice serves as preliminary notification that Appropriation A-2655 will be **cancelled** unless this determination is successfully contested.
6. Landowners with a legal interest in the land under this appropriation may:
 - A. Take no action. If no response is received by the deadline, the Department will proceed with cancellation of Appropriation A-2655.
 - B. Contest this determination by submitting the enclosed **contest form** to the Department's Lincoln office (245 Fallbrook Blvd., Suite 100, Lincoln, NE 68521) no later than **December 12, 2025**. **No filing fee is required**.

7. Enclosed with this Notice are:

- Copy of applicable statutes (Neb. Rev. Stat. §§ 46-229 to 46-229.05)
- Blank contest form
- Report of Field Investigation (basis for this determination)
- Partially completed Full Relinquishment of a Surface Water Appropriation form

8. Additional information about cancellation laws can be found at the Nebraska Legislature's website: <http://nebraskalegislature.gov/laws>

9. Questions may be directed to the Department's Permits Section at (402) 471-2186. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



November 7, 2025

Matthew T. Manning, PE, JD
Chief Water Officer

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

Linda D. Tegeler, Co-Trustee
53919 Highway 275
Meadow Grove, Nebraska 68752

Larry A. Werner
53978 Highway 275
Meadow Grove, Nebraska 68752