

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-8133**

WATER DIVISION 2-A

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-8133 is held by C. David Elm.
2. Appropriation A-8133 has a priority date of September 19, 1955, and authorizes the use of water for irrigation of the 66.0 acres of land described below. The water may be diverted from Looking Glass Creek at points of diversion located on both banks of the stream in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 08, Township 17 North, Range 03 West of the 6th P.M. in Platte County. The rate that water may be diverted shall not exceed 0.47 cubic feet per second (cfs) from all points of diversion.

<u>Township 17 North, Range 03 West of the 6th P.M. in Platte County</u>	<u>Acres</u>
Section 08: NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
TOTAL	66.0

3. The Department has received information concerning the use of surface water appropriation A-8133 and determined that a **portion** of the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.
4. The Department's preliminary determination is that a **portion** of appropriation A-8133 at the rate of 0.36 cfs has not been used for more than five years to irrigate the land described below.

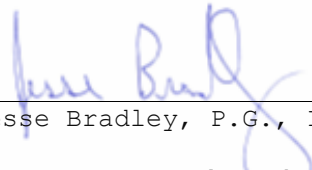
<u>Township 17 North, Range 03 West of the 6th P.M. in Platte County</u>	<u>Acres</u>
Section 08: NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.7
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>40.0</u>
TOTAL	50.7

5. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse of a **portion** of appropriation A-8133 under Neb. Rev. Stat. § 46-229.04.

6. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that the **portion** of appropriation A-8133 described in item four above will be cancelled unless the Department's determination is successfully contested.
7. The owner(s) of the land that may be irrigated under water appropriation A-8133 may:
 - A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling the portion of water appropriation A-8133 as described above.**
 - 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 14, 2025. No filing fee is required.
8. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, *Nebraska Revised Statutes* §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; (3) a copy of the Report of Field Investigation which is the basis for the determination; and (4) a map showing the location of the **portion** of A-8133 subject to this notice.
9. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegisature.gov/laws>.
10. 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 12, 2025



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 four enclosures were mailed by certified mail to the following:

C. David Elm
10365 Goosehaven Drive
Lafayette, Colorado 80026

Jeremy Schreiber
Farmers National Company
P.O. Box 983
Columbus, Nebraska 68602