

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-8491**

WATER DIVISION 2-B

1. Department records show that Surface Water Appropriation A-8491 is held by **Todd D. and Joyce S. Miller**.
2. Appropriation A-8491 has a priority date of **April 17, 1956**, and authorizes use of water for irrigation on **45 acres**, described below. Water may be diverted from **the Elkhorn River** at a point of diversion located on the south bank of the stream in the **NW¹SE¹4** of **Section 30, Township 29 North, Range 12 West of the 6th P.M. in Holt County**. The maximum diversion rate shall not exceed **0.35 cubic feet** per second (cfs).

Township 29 North, Range 12 West of the 6 th P.M. in Holt County		Acres
Section 30:	NE ¹ SE ¹ 4	30
	SW ¹ SE ¹ 4	<u>15</u>
TOTAL		45

3. Based on information received and records reviewed, the Department has determined that Appropriation A-8491 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-8491 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-8491.
 - 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 18, 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 18, 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:

Todd D. and Joyce S. Miller
404 South Main Street
Emmet, Nebraska 68734