

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE  
OF SURFACE WATER APPROPRIATION A-11088**

WATER DIVISION 2-B

1. Department records show that Surface Water Appropriation A-11088 is held by **Eriksen Brothers**.
2. A search of the Burt County Register of Deeds indicates the land appurtenant to Appropriation A-11088 has been divided into separate parcels. Additional individuals—other than those listed in Department records—may now be landowners. These include **Greg and Sandy Brummond, Luella A. Eriksen, Victoria P. Kuhlmann, Village of Craig, Keifer & Kate Farmz LLC, David and Ellen Eriksen, and E 720 Farms LLC**.
3. Appropriation A-11088 has a priority date of **April 3, 1967**, and authorizes use of water for irrigation on **502.0 acres**, described below. Water may be diverted from **Bell Creek** at a point of diversion located on the left bank of the stream in the **SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>** of **Section 23, Township 21 North, Range 09 East of the 6<sup>th</sup> P.M. in Burt County**. The maximum diversion rate shall not exceed **7.17 cubic feet** per second (cfs).

Township 21 North, Range 09 East of the 6 <sup>th</sup> P.M. in Burt County		Acre
Section 24:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	8.5
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	17.5
Section 25:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	39.0
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	40.0
	SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	39.0
	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	40.0
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	40.0
	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40.0
	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40.0
	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	39.0
	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>39.0</u>
	TOTAL	502.0

4. Based on information received and records reviewed, the Department has determined that Appropriation A-11088 has not been used for irrigation for **more than five consecutive years**, as required by Nebraska law.
5. At this time, the Department is unaware of any sufficient cause for nonuse under **Neb. Rev. Stat. § 46-229.04**.
6. Pursuant to **Neb. Rev. Stat. § 46-229.02**, this Notice serves as preliminary notification that Appropriation A-11088 will be **cancelled** unless this determination is successfully contested.
7. 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-11088.
  - B. Contest this determination by submitting the enclosed **contest form** to the Department's Lincoln office (245 Fallbrook Blvd., Suite 100, Lincoln, NE 68521) **by 5:00 P.M. on March 26, 2026. No filing fee is required.**
8. 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
9. Additional information about cancellation laws can be found at the Nebraska Legislature's website: <http://nebraskalegislature.gov/laws>
10. 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



February 24, 2026

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Jeremy F. Gehle  
Surface Water Division Administrator

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:

T. Richard Eriksen  
Keifer & Kate Farmz LLC  
2590 County Road H  
Tekamah, Nebraska 68061

T. Richard Eriksen  
E 720 Farms LLC  
2590 County Road H  
Tekamah, Nebraska 68061

David and Ellen Eriksen  
607 North Thomas Avenue  
Oakland, Nebraska 68045

Victoria Kuhlmann  
1422 I Street  
Tekamah, Nebraska 68061

Bart Meyer  
Village of Craig  
196 North Main Street  
Craig, Nebraska 68019

Luella A. Eriksen  
c/o Roberta Witherspoon  
834 North 13<sup>th</sup> Street  
Blair, Nebraska 68008

Greg L. and Sandy Brummond  
1320 County Road G  
Craig, Nebraska 68019