

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE  
OF SURFACE WATER APPROPRIATION A-13098**

WATER DIVISION 1-F

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13098 is held by **Jesse L. and Tracy D. Pella.**
2. Appropriation A-13098 has a priority date of **July 23, 1974,** and authorizes use of water for irrigation on **139.7 acres,** described below. Water may be diverted from **the North Fork of the Big Nemaha River** at points 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> and the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 14, Township 05 North, Range 10 East of the 6<sup>th</sup> P.M. in Johnson County.** The maximum diversion rate shall not exceed **1.99 cubic feet** per second (cfs) from all points of diversion.

<u>Township 05 North, Range 10 East of the 6<sup>th</sup> P.M. in Johnson County</u>	<u>Acres</u>
Section 14: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	37.4
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	38.5
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	26.1
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>37.7</u>
TOTAL	139.7

3. Based on information received and records reviewed, the Department has determined that Appropriation A-13098 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-13098 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-13098.

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 27, 2026. 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.



February 25, 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 Lincoln, Nebraska. Copies of this Notice and enclosures were mailed by certified mail to the following:

Jesse Pella  
61691 733<sup>rd</sup> Road  
Tecumseh, Nebraska 68450