

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE  
OF SURFACE WATER APPROPRIATION A-13958**

WATER DIVISION 2-B

1. Department records show that Surface Water Appropriation A-13958 is held by the **Vicky L. Pruess Living Trust**.
2. Appropriation A-13958 has a priority date of **January 23, 1976**, and authorizes use of water for irrigation on **87 acres**, described below. Water may be diverted from **Craig Creek** at a point of diversion located on the right bank of the stream in the **NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>** of **Section 02, Township 21 North, Range 09 East of the 6<sup>th</sup> P.M. in Burt County**. The maximum diversion rate shall not exceed **1.24 cubic feet** per second (cfs).

<u>Township 21 North, Range 09 East of the 6<sup>th</sup> P.M. in Burt County</u>	<u>Acres</u>
Section 02: NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	20
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	39
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>28</u>
TOTAL	87

3. Based on information received and records reviewed, the Department has determined that Appropriation A-13958 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-13958 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-13958.
  - 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 25, 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.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

February 23, 2026



---

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:

Vicky L. Pruess  
8429 North 161<sup>st</sup> Plaza  
Bennington, Nebraska 68007

Doug Pruess  
2098 County Road 3  
Craig, Nebraska 68019