

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-3391**

WATER DIVISION 2-B

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-3391 is held by the **Lorri Porn Revocable Trust**.
2. Appropriation A-3391 has a priority date of **February 14, 1941**, and authorizes the use of water for irrigation on **12.08 acres**, described below. Water may be diverted from the **Elkhorn River** at a point of diversion located in the **NE~~1~~⁴** of **Section 01, Township 24 North, Range 06 West of the 6th P.M. in Antelope County**. The maximum diversion rate shall not exceed **0.09 cubic foot per second (cfs)**.

Township 24 North, Range 06 West of the 6 th P.M. in Antelope County	Acres
--	-------

Section 01: NE 1 ⁴	12.08
--	-------

3. Based on information received and records reviewed, the Department has determined that Appropriation A-3391 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-3391 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-3391.
 - 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 April 20, 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



March 19, 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 field office in Norfolk, Nebraska. Copies of this Notice and three enclosures were mailed by certified mail to the following:

Lorri and Greg Porn
907 Kelland Drive
Norfolk, Nebraska 68701