

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-14757**

WATER DIVISION 1-C

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-14757 is held by the Dana G. and Terrolyn S. Fisher Revocable Trusts.
2. Appropriation A-14757 has a priority date of February 25, 1977, and authorizes the use of 14.3 acre-feet per year from Fisher Reservoir No. 1 (storage appropriation A-13976) water for irrigation of the 142.0 acres of land described below. The water may be diverted at points of diversion located on both banks of the reservoir in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 06 North, Range 06 West of the 6th P.M. in Clay County.

<u>Township 06 North, Range 06 West of the 6th P.M. in Clay County</u>		<u>Acres</u>
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>37.0</u>
	TOTAL	142.0

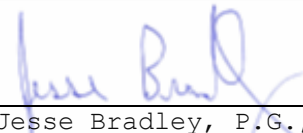
3. The Department has received information concerning the use of surface water appropriation A-14757 and determined that a **portion** of the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.
4. The Department's preliminary determination is that a **portion** of appropriation A-14757 has not been used for more than five years to irrigate the land described below.

<u>Township 06 North, Range 06 West of the 6th P.M. in Clay County</u>		<u>Acres</u>
Section 31:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>28.9</u>
	TOTAL	133.9

5. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse of a **portion** of appropriation A-14757 under Neb. Rev. Stat. § 46-229.04.
6. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that the **portion** of appropriation A-14757 described in item four above will be cancelled unless the Department's determination is successfully contested.
7. The owner(s) of the land that may be irrigated under water appropriation A-14757 may:
 - A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling the portion of water appropriation A-14757 as described above.**
 - B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 201, Lincoln, Nebraska 68521 by the close of business on April 17, 2025. No filing fee is required.
8. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, *Nebraska Revised Statutes* §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; (3) a copy of the Report of Field Investigation which is the basis for the determination; and (4) a map showing the location of the **portion** of A-14757 subject to this notice.
9. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.
10. Requests for additional information regarding this proceeding may be directed to the Department of Natural Resources or by calling the permits section at (402) 471-2363. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF NATURAL RESOURCES

March 18, 2025



Jesse Bradley, P.G., Interim Director

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

Dana G. and Terrolyn S. Fisher
Dana G. and Terrolyn S. Fisher Trusts
408 East 9th Street
Fairfield, Nebraska 68938