

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10139

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-10139 is held by **Terry and Cheryl Beth Frisch**.
2. Appropriation A-10139 with a priority date of January 10, 1963, authorizes the use of water for irrigation of the **32.3 acres** of land described below. The water may be diverted from **the Elkhorn River** at points of diversion on both banks of the stream, located in the **NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 05, Township 29 North, Range 14 West of the 6th P.M., in Holt County**. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every **70 acres** irrigated at a maximum combined rate of **0.46 cfs** from all points of diversion.

Section 05: SW $\frac{1}{4}$ NE $\frac{1}{4}$	Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>25.4</u>
	<u>6.9</u>
TOTAL	32.3

3. The Department has received information concerning the use of surface water appropriation A-10139 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On November 7, 2025, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10139. The Notice was delivered by certified mail to Terry and Cheryl Beth Frisch, 47591 875th Road, Atkinson, Nebraska 68713.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-10139 has not been used for its required purpose for more than five consecutive years.
7. Nebraska Revised Statutes § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-10139 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



January 22, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Terry and Cheryl Beth Frisch
47591 875th Road
Atkinson, Nebraska 68713