

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<sup>1</sup>/<sub>4</sub>~~ **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.

Township 29 North, Range 14 West of the 6 <sup>th</sup> P.M. in Holt County		Acres
Section 05:	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	25.4
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<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 875<sup>th</sup> 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

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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 875<sup>th</sup> Road  
Atkinson, Nebraska 68713