

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-2655

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-2655 is held by the **Arnold and June Werner Family Trust**.
2. Appropriation A-2655 with a priority date of **November 9, 1936**, authorizes the use of water for irrigation of the **59.2 acres** of land described below. The water may be diverted from **Buffalo Creek** at a point of diversion located on the left bank of the stream in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$** of **Section 23, Township 24 North, Range 04 West of the 6th P.M. in Madison County**. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every **140 acres** irrigated at a maximum rate of **0.43 cfs**.

<u>Township 24 North, Range 04 West of the 6th P.M. in Madison County</u>		<u>Acres</u>
Section 23:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	13.4
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22.2
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	12.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>11.6</u>
	TOTAL	59.2

3. The Department has received information concerning the use of surface water appropriation A-2655 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-2655. The Notice was delivered by certified mail to Linda D. Tegeler, Co-Trustee, 53919 Highway 275, Meadow Grove, Nebraska 68752 and Larry A. Werner, Co-Trustee 53978 Highway 275, Meadow Grove, Nebraska 68752.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-2655 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-2655 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:

Linda D. Tegeler, Co-Trustee
53919 Highway 275
Meadow Grove, Nebraska 68752

Larry A. Werner, Co-Trustee
53978 Highway 275
Meadow Grove, Nebraska 68752