

STATE OF NEBRASKA  
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-8491**

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-8491 is held by **Todd D. and Joyce S. Miller**.
2. Appropriation A-8491 with a priority date of **April 17, 1956**, authorizes the use of water for irrigation of the **45 acres** of land described below. The water may be diverted from **the Elkhorn River** at a point of diversion located on the south bank of the stream in the **NW $\frac{1}{4}$ SE $\frac{1}{4}$**  of **Section 30, Township 29 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt 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 **0.35 cfs**.

<u>Township 29 North, Range 12 West of the 6<sup>th</sup> P.M. in Holt County</u>		<u>Acres</u>
Section 30:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	30
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>15</u>
	TOTAL	45

3. The Department has received information concerning the use of surface water appropriation A-8491 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On November 18, 2025, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-8491. The Notice was delivered by certified mail to Todd D. and Joyce S. Miller, 404 South Main Street, Emmet, Nebraska 68734.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-8491 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-8491 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 and field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Todd D. and Joyce S. Miller  
404 South Main Street  
Emmet, Nebraska 68734