

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13313

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13313 is held by **Barbara Lund; the Margaret A McCoy Life Estate; and David and Iva Geiger.**
2. Appropriation A-13313 with a priority date of **December 16, 1974,** authorizes the use of water for irrigation of the **127 acres** of land described below. The water may be diverted from **South Creek** at points of diversion located on the left bank of the stream in the **SE¹/₄NE¹/₄ and the SW¹/₄SE¹/₄ of Section 21, Township 29 North, Range 05 East of the 6th P.M. in Dixon 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 **1.81 cfs** from all points of diversion.

<u>Township 29 North, Range 05 East of the 6th P.M. in Dixon County</u>	<u>Acres</u>
Section 21: SW ¹ / ₄ NE ¹ / ₄	23
SE ¹ / ₄ NE ¹ / ₄	35
NW ¹ / ₄ SE ¹ / ₄	40
SW ¹ / ₄ SE ¹ / ₄	<u>29</u>
TOTAL	127

3. The Department has received information concerning the use of surface water appropriation A-13313 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On December 18, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13313. The Notice was delivered by certified mail to Barbara Lund, 87299 5835th Avenue, Allen, Nebraska 68710; Margaret McCoy, 5407 2nd Street, Allen, Nebraska 68710; and David and Iva Geiger, 58691 8685 Road, Allen, Nebraska 68710.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13313 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-13313 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



March 20, 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:

Barbara Lund
87299 5835th Avenue
Allen, Nebraska 68710

David and Iva Geiger
58691 8685 Road
Allen, Nebraska 68710

Margaret McCoy
5407 2nd Street
Allen, Nebraska 68710