

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16304

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-16304 is held by **Thomas F. Harte**.
2. Appropriation A-16304 with a priority date of **June 11, 1984**, authorizes the use of water for irrigation of the **72.4 acres** of land described below. The water may be diverted from **the Elkhorn River** at a point of diversion located on the left bank of the stream in the **SW¹/₄SW¹/₄** of **Section 17, Township 28 North, Range 10 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 rate of **1.03 cfs**.

<u>Township 28 North, Range 10 West of the 6th P.M. in Holt County</u>	<u>Acres</u>
Section 17: NW ¹ / ₄ NW ¹ / ₄	10.3
NE ¹ / ₄ NW ¹ / ₄	5.6
SW ¹ / ₄ NW ¹ / ₄	23.6
SE ¹ / ₄ NW ¹ / ₄	<u>32.9</u>
TOTAL	72.4

3. The Department has received information concerning the use of surface water appropriation A-16304 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On January 22, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16304. The Notice was delivered by certified mail to Thomas F. Harte, 49948 867th Road, Inman, Nebraska 68742.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-16304 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-16304 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:

Thomas F. Harte
49948 867th Road
Inman, Nebraska 68742