

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-10885

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-10885 is held by **Michael F. and Deborah J. Kennedy**.
2. Appropriation A-10885 with a priority date of **July 14, 1966**, authorizes the use of water for irrigation of the **68.25 acres** of land described below. The water may be diverted from **Bell Creek** at points of diversion located on both banks of the stream in the **SE¹/₄SE¹/₄** of **Section 11, Township 20 North, Range 09 East of the 6th P.M. in Burt 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 **0.97 cfs** from all points of diversion.

Township 20 North, Range 09 East of the 6 th P.M. in Burt County	Acres
Section 11: SW ¹ / ₄ SE ¹ / ₄	38.25
SE ¹ / ₄ SE ¹ / ₄	<u>30.00</u>
TOTAL	68.25

3. The Department has received information concerning the use of surface water appropriation A-10885 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 26, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-10885. The Notice was delivered by certified mail to Michael F. and Deborah J. Kennedy, 1970 County Road C, Craig, Nebraska 68019.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-10885 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-10885 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



April 27, 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:

Michael F. and Deborah J. Kennedy
1970 County Road C
Craig, Nebraska 68019