

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13098

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13098 is held by **Jesse L. and Tracy D. Pella.**
2. Appropriation A-13098 with a priority date of **July 23, 1974,** authorizes the use of water for irrigation of the **139.7 acres** of land described below. The water may be diverted from **the North Fork of the Big Nemaha River** at points of diversion located on the left bank of the stream in the **SW¹/₄NE¹/₄ and the NE¹/₄SE¹/₄ of Section 14, Township 05 North, Range 10 East of the 6th P.M. in Johnson 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 **1.99 cfs** from all points of diversion.

<u>Township 05 North, Range 10 East of the 6th P.M. in Johnson County</u>	<u>Acres</u>
Section 14: NW ¹ / ₄ NE ¹ / ₄	37.4
NE ¹ / ₄ NE ¹ / ₄	38.5
SW ¹ / ₄ NE ¹ / ₄	26.1
SE ¹ / ₄ NE ¹ / ₄	<u>37.7</u>
TOTAL	139.7

3. The Department has received information concerning the use of surface water appropriation A-13098 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 25, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13098. The Notice was delivered by certified mail to Jesse Pella, 61691 733rd Road, Tecumseh, Nebraska 68450.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13098 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-13098 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:

Jesse Pella
61691 733rd Road
Tecumseh, Nebraska 68450