

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13958

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13958 is held by the **Vicky L. Pruess Living Trust**.
2. Appropriation A-13958 with a priority date of **January 23, 1976**, authorizes the use of water for irrigation of the **87 acres** of land described below. The water may be diverted from **Craig Creek** at a point of diversion located on the right bank of the stream in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 02, Township 21 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 rate of **1.24 cfs**.

Township 21 North, Range 09 East of the 6 th P.M. in Burt County	Acres
Section 02: NW $\frac{1}{4}$ SE $\frac{1}{4}$	20
NE $\frac{1}{4}$ SE $\frac{1}{4}$	39
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>28</u>
TOTAL	87

3. The Department has received information concerning the use of surface water appropriation A-13958 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 23, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13958. The Notice was delivered by certified mail to Vicky L. Pruess, 8429 North 161st Plaza, Bennington, Nebraska 68007 and Doug Pruess, 2098 County Road 3, 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-13958 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-13958 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:

Vicky L. Pruess
8429 North 161st Plaza
Bennington, Nebraska 68007

Doug Pruess
2098 County Road 3
Craig, Nebraska 68019