

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13987A**

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13987A is held by **Bernard Niewohner**.
2. Appropriation A-13987A with a priority date of **February 3, 1976**, authorizes the use of water for irrigation of the **80 acres** of land described below. The water may be diverted from **a tributary to Pebble Creek** at points of diversion located in the **SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>** of **Section 17, Township 20 North, Range 06 East of the 6<sup>th</sup> P.M. in Dodge 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 **1.15 cfs** from all points of diversion.

<u>Township 20 North, Range 06 East of the 6<sup>th</sup> P.M. in Dodge County</u>	<u>Acres</u>
Section 17: SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40
SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>40</u>
TOTAL	80

3. The Department has received information concerning the use of surface water appropriation A-13987A 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-13987A. The Notice was delivered by certified mail to Bernard Niewohner, MGR Farms, Inc., 248 Highway 91, Dodge, Nebraska 68633.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13987A 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-13987A is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



April 27, 2026

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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:

Bernard Niewohner  
MGR Farms, Inc.  
248 Highway 91  
Dodge, Nebraska 68633