

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

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

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13987B is held by **Bernard Niewohner**.
2. Appropriation A-13987B 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 **Pebble Creek** at a point of diversion located in the **SE¹/₄NE¹/₄** of **Section 20, Township 20 North, Range 06 East of the 6th 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 rate of **1.14 cfs**.

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

3. The Department has received information concerning the use of surface water appropriation A-13987B 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-13987B. The Notice was delivered by certified mail to Bernard Niewohner, MRG 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-13987B 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-13987B 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:

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