

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16373

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-16373 is held by **Daniel H. and Jeannette A. Niewohner.**
2. Appropriation A-16373 with a priority date of **April 17, 1985,** authorizes the use of water for irrigation of the **181.3 acres** of land described below. The water may be diverted from **Pebble Creek** at a point of diversion located on west bank of the stream in the **SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>** of **Section 21, 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 rate of **2.59 cfs.**

<u>Township 20 North, Range 06 East of the 6<sup>th</sup> P.M. in Dodge County</u>	<u>Acres</u>
Section 20: SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	40.0
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	30.1
Section 21: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	34.2
Section 29: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	38.5
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>38.5</u>
TOTAL	181.3

3. The Department has received information concerning the use of surface water appropriation A-16373 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On February 20, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16373. The Notice was delivered by certified mail to Daniel H. and Jeannette A. Niewohner, 868 County Road E, Scribner, Nebraska 68057.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-16373 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-16373 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:

Daniel H. and Jeannette A. Niewohner  
868 County Road E  
Scribner, Nebraska 68057