

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-2428B

WATER DIVISION 1-F

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-2428B is held by **the Erna F. Gilster Revocable Trust**.
2. Appropriation A-2428B with a priority date of **July 16, 1934**, authorizes the use of water for irrigation of the **17.25 acres** of land described below. The water may be diverted from **the North Fork of the Big Nemaha River** at points of diversion located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$** 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 **0.25 cfs** from all points of diversion.

Township 05 North, Range 10 East of the
6th P.M. in Johnson County Acres

Section 14: NE $\frac{1}{4}$ SE $\frac{1}{4}$ 17.25

3. The Department has received information concerning the use of surface water appropriation A-2428B that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 2, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-2428B. The Notice was delivered by certified mail to Erna F. Gilster, 7131 South 70th Street, Lincoln, Nebraska 68516 and Keith Gilster, 7131 South 70th Street, Lincoln, Nebraska 68516.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-2428B 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-2428B 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 Lincoln, Nebraska. A copy of this Order was mailed to the following:

Erna F. Gilster
7131 South 70th Street
Lincoln, Nebraska 68516

Keith Gilster
7131 South 70th Street
Lincoln, Nebraska 68516