

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-3061

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-3061 is held by **Beverly Eggers**.
2. Appropriation A-3061 with a priority date of **December 19, 1939**, authorizes the use of water for irrigation of the **45.9 acres** of land described below. The water may be diverted from **the Elkhorn River** at a point of diversion located on the left bank of the stream in the **SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>** of **Section 02, Township 24 North, Range 05 West of the 6<sup>th</sup> P.M. in Antelope County**. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every **140 acres** irrigated at a maximum rate of **0.33 cfs**.

<u>Township 24 North, Range 05 West of the 6<sup>th</sup> P.M. in Antelope County</u>	<u>Acres</u>
Section 02: SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	28.4
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	<u>17.5</u>
TOTAL	45.9

3. The Department has received information concerning the use of surface water appropriation A-3061 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-3061. The Notice was delivered by certified mail to Pat Graber, P.O. Box 335, Ewing, Nebraska 68735 and Neil and Cindy Werkmeister, 53110 845 Road, Tilden, Nebraska 68781.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-3061 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-3061 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:

Pat Graber  
P.O. Box 335  
Ewing, Nebraska 68735

Neil and Cindy Werkmeister  
53110 845 Road  
Tilden, Nebraska 68781