

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-10819

AND APPROVAL OF MAP NUMBER 21691

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) shows that the land appurtenant to surface water appropriation A-10819 is owned by Leffers Farms, LLC; Terry L. James; and Madison County.
2. Appropriation A-10819 has a priority date of **March 29, 1966**, and authorizes the use of water for irrigation of the 33.3 acres of land described below. The water may be diverted from **Buffalo Creek** at points of diversion located on **the left bank of the stream in the NW¹/₄NE¹/₄ and the right bank in the NE¹/₄NE¹/₄ of Section 26, Township 24 North, Range 04 West of the 6th P.M. in Madison County.** Water diverted shall not exceed the ratio of **one cubic foot per second (cfs) for every 70 acres** irrigated at a maximum rate of **0.48 cfs**. The total annual volume may not exceed **three acre-feet per acre** of land on which water is actually and beneficially applied.

Township 24 North, Range 04 West of the 6 th P.M. in Madison County		Acres
Section 26:	NW ¹ / ₄ NE ¹ / ₄	23.9
	NE ¹ / ₄ NE ¹ / ₄	<u>9.4</u>
	TOTAL	33.3

3. The Department has received information concerning the use of surface water appropriation A-10819 and determined that the appropriation **has not been used for irrigation purposes for more than five consecutive years** as required under Nebraska law. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04.
4. On September 29, 2025, Rita D. Landmark, on behalf of Leffers Farms, LLC, filed a Relinquishment of Water Appropriation, REL-11489, relinquishing the right to divert water under a portion of appropriation A-10819 to irrigate the 25.5 acres of land described below.

Township 24 North, Range 04 West of the 6 th P.M. in Madison County		Acres
Section 26:	NW ¹ / ₄ NE ¹ / ₄	23.0
	NE ¹ / ₄ NE ¹ / ₄	<u>1.8</u>
	TOTAL	24.8

5. On January 13, 2026, Troy Uhlir, Chairman of the Board of Commissioners of Madison County, filed Relinquishment of Water Appropriation, REL-11619, relinquishing the right to divert water under a portion of appropriation A-10819 to irrigate 0.70 acres of land described below.

Township 24 North, Range 04 West of the 6 th P.M. in Madison County	Acres
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Section 26: NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.7
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6. Upon completion of this Order of Cancellation for the preceding portion of land authorized for irrigation under A-10819, the **Department will issue a Notice of Preliminary Determination of Nonuse (PDNU)** for the remaining appurtenant land owned by Terry L. James in accordance with Neb. Rev. Stat. § 46-229.02

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-10819 at the rate of 0.37 cfs for use upon the 25.5 acres of land described above is **CANCELLED**.

2. **Authorized Land for Irrigation, Priority and Diversion Rate**
Appropriation A-10819 now authorizes the appropriator to divert water from **Buffalo Creek** to irrigate the **7.8** acres of land described below and depicted on map number 21691 which is made a part of this Order. The **point of diversion remains in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 24 North, Range 04 West of the 6th P.M. in Madison County**, as depicted on map number 21691. Water diverted shall not exceed the ratio of **one cfs** for every **70 acres** irrigated at a maximum rate of **0.11 cfs (49 gallons per minute)**. The total volume may not exceed **three acre-feet** per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 24 North, Range 04 West of the 6 th P.M. in Madison County	Acres
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Section 26: NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.9
NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.9

TOTAL	7.8
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3. **Terms & Conditions of Previous Order(s)**
All terms and conditions of appropriation A-10819 remain in effect unless specifically changed by this Order.

4. **Ongoing Statutory Requirements**
The appropriator must:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).

- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 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 and map number 21691 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 21691 were mailed to the following:

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