

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-11080**

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-11080 is held by **W & M Creekside Farms, Inc.**
2. Appropriation A-11080 with a priority date of **March 21, 1967**, authorizes the use of water for irrigation of the **123.5 acres** of land described below. The water may be diverted from **Cedar Creek** at points of diversion located on the left bank of the stream in the **SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 34, Township 24 North, Range 06 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 **70 acres** irrigated at a maximum combined rate of **1.76 cfs** from all points of diversion.

<u>Township 24 North, Range 06 West of the</u> <u>6<sup>th</sup> P.M. in Antelope County</u>	<u>Acres</u>
Section 34: NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	25.0
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	4.0
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	10.0
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	16.5
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	40.0
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>28.0</u>
TOTAL	123.5

3. The Department has received information concerning the use of surface water appropriation A-11080 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 24, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-11080. The Notice was delivered by certified mail to W & M Creekside Farms, Inc., 409 Plantation Street, Elgin, Nebraska 68636.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-11080 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-11080 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 28, 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:

W & M Creekside Farms, Inc.  
409 Plantation Street  
Elgin, Nebraska 68636