

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-13397

AND APPROVAL OF MAP NUMBER 21718

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13397 is held by **Labrador Bay Barn LLC; Chad Wegener; and Beau Baltzell.**
2. A-13397 has a priority date of **February 11, 1975**, and authorizes use of water for irrigation on **40.6 acres**, described below. Water may be diverted from **the Elkhorn River** at points of diversion located on **the left bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 14 North, Range 10 East of the 6th P.M. in Sarpy County.** The maximum diversion rate shall not exceed **0.58 cubic feet** per second (cfs) from all points of diversion.

Township 14 North, Range 10 East of the 6 th P.M. in Sarpy County		Acres
Section 16:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	13.1
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.7
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>12.8</u>
	TOTAL	40.6

3. Based on information received and records reviewed, the Department has determined that Appropriation A-13397 has not been used for irrigation for **more than five consecutive years**, as required by Nebraska law.
4. On December 18, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13397. The Notice was delivered by certified mail to Todd Lavigne, Labrador Bay Barn LLC, 12330 Cary Circle, Lavista, Nebraska 68128; Beau Baltzell, 24305 Leavenworth Circle, Waterloo, Nebraska 68069; and Chad Wegener, 6902 240th Street, Gretna, Nebraska 68028.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. On January 6, 2026, the certified mailing addressed to **Beau Baltzell** was returned to the Department "**not deliverable as addressed; unable to forward.**"

7. Upon completion of this Order of Cancellation for **27.5** of the **40.6 acres** appurtenant to A-13397 the Department will reissue a **Notice of Preliminary Determination of Nonuse (PDNU)** for the remaining appurtenant acres owned by **Beau Baltzell** in accordance with Neb. Rev. Stat. § 46-229.02.
8. 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:

1. Part of appropriation A-13397 at the rate of **0.39 cfs** for use upon the 27.5 acres of land is **CANCELLED**.
2. Appropriation A-13397 now authorizes the appropriator to divert water from **the Elkhorn River** to irrigate the **13.1** acres of land described below and depicted on map number 21718 which is made a part of this Order. The **point of diversion is located the SW¹/₄NE¹/₄ of Section 16, Township 14 North, Range 10 East of the 6th P.M. in Sarpy County**, as depicted on map number 21718. Water diverted shall not exceed the ratio of one cfs for every **70** acres irrigated at a maximum rate of **0.19** cfs (85 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 14 North, Range 10 East of the 6 th P.M. in Sarpy County	Acres
Section 16: SE ¹ / ₄ NE ¹ / ₄	13.1

3. All terms and conditions of previous Orders for appropriation A-13397 remain in effect unless specifically changed by this Order.
4. 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

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Department may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 21, 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 21718 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 21718 were mailed to the following:

Todd Lavigne
Labrador Bay Barn LLC
12330 Cary Circle
La Vista, Nebraska 68128

Beau Baltzell
24305 Leavenworth Circle
Waterloo, Nebraska 68069

Chad Wegener
6902 240th street
Gretna, Nebraska 68028