

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-16404

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-16404 is held by **Eagle Creek Acres, LLC**.
2. Appropriation A-16404 with a priority date of **June 24, 1985**, authorizes the use of water for irrigation of the **59 acres** of land described below. The water may be diverted from **the Elkhorn River** at a point of diversion located on the north bank of the stream in the **SW $\frac{1}{4}$ SE $\frac{1}{4}$** of **Section 27, Township 29 North, Range 12 West of the 6th P.M. in Holt 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 rate of **0.85 cfs**.

Township 29 North, Range 12 West of the 6 th P.M. in Holt County	Acres
Section 27: NE $\frac{1}{4}$ SE $\frac{1}{4}$	10
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10
SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>39</u>
TOTAL	59

3. The Department has received information concerning the use of surface water appropriation A-16404 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 19, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-16404. The Notice was delivered by certified mail to Helen C. Schmaderer, Eagle Creek Acres, LLC, 210 South 7th Street, O'Neill, Nebraska 68763.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-16404 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-16404 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 28, 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 Norfolk, Nebraska. A copy of this Order was mailed to the following:

Helen C. Schmaderer
Eagle Creek Acres, LLC
210 South 7th Street
O'Neill, Nebraska 68763