

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-13397

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 **Beau Baltzell**.
2. Appropriation A-13397 with a priority date of **February 11, 1975**, authorizes the use of water for irrigation of the **13.1 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 SW¹/₄NE¹/₄ of Section 16, Township 14 North, Range 10 East of the 6th P.M. in Sarpy 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 **0.19 cfs**.

Township 14 North, Range 10 East of the 6 th P.M. in Sarpy County	Acres
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Section 16: SE ¹ / ₄ NE ¹ / ₄	13.1
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3. The Department has received information concerning the use of surface water appropriation A-13397 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On May 26, 2026, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-13397. The Notice was delivered by certified mail to Beau Baltzell, 24305 Leavenworth Circle, Waterloo, Nebraska 68069.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-13397 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-13397 is **CANCELLED**.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

A handwritten signature in black ink, appearing to read "Matt Manning", written over a horizontal line.

July 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 were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed to the following:

Beau Baltzell
24305 Leavenworth Circle
Waterloo, Nebraska 68069