

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN PART
AND APPROVAL OF MAP NUMBER 21783 FOR WATER APPROPRIATION A-3021**

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-3021 is held by Paul V. and Muriel L. Meierhenry.
2. Appropriation A-3021 has a priority date of **November 20, 1939**, and authorizes the use of water for irrigation of the **110.0 acres** of land described below. The water may be diverted from **the North Fork of the Elkhorn River** at points of diversion located in the **NW¹₄NW¹₄, NE¹₄NW¹₄, SE¹₄NW¹₄, NW¹₄NE¹₄, NE¹₄NE¹₄, SW¹₄NE¹₄, NE¹₄SW¹₄ and NW¹₄SE¹₄** of **Section 28, Township 25 North, Range 01 West of the 6th P.M. in Pierce County**. Water diverted shall not exceed the ratio of **one cubic foot per second (cfs) for every 140 acres** irrigated at a maximum combined rate of 0.79 cfs from all points of diversion. The total annual volume may not exceed **three acre-feet per acre** of land on which water is actually and beneficially applied.

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 28:	NW ¹ ₄ NW ¹ ₄	30.0
	NE ¹ ₄ NW ¹ ₄	16.0
	NW ¹ ₄ NE ¹ ₄	6.0
	NE ¹ ₄ NE ¹ ₄	5.0
	SW ¹ ₄ NE ¹ ₄	26.0
	SE ¹ ₄ NE ¹ ₄	27.0
	TOTAL	110.0

3. The Department has received information concerning the use of surface water appropriation A-3021 that indicates a portion of the appropriation has not been used for its required purpose for more than five consecutive years.

4. On May 19, 2026, the Department issued a Notice of Preliminary Determination of Nonuse that the **following portion of land** authorized for irrigation under appropriation A-3021 had not been irrigated for more than five years:

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 28:	NW ¹ / ₄ NW ¹ / ₄	2.8
	NE ¹ / ₄ NW ¹ / ₄	16.0
	NW ¹ / ₄ NE ¹ / ₄	6.0
	NE ¹ / ₄ NE ¹ / ₄	5.0
	SW ¹ / ₄ NE ¹ / ₄	26.0
	SE ¹ / ₄ NE ¹ / ₄	<u>27.0</u>
TOTAL		82.8

5. The Notice was displayed on the Department's website for more than 30 days and was delivered by certified mail to Paul V. and Muriel L. Meierhenry, Attn: Muriel L. Meierhenry, 1315 West Benjamin Avenue Unit E, Norfolk, Nebraska 68701; Gerry Krueger, 85197 550th Avenue, Pierce, Nebraska 68767; Craig Meierhenry, 1315 West Benjamin Avenue Unit E, Norfolk, Nebraska 68701; and Leigh Fuhrman, 84418 560th Avenue, Norfolk, Nebraska 68701.
6. On June 17, 2026, the Department received a contest of the Preliminary Determination of Nonuse filed by Leigh A. Fuhrman, Power of Attorney for Paul V. and Muriel L. Meierhenry.
7. On June 17, 2026, Leigh A. Fuhrman also filed map number 21783 showing that the following portion of land **has been irrigated** during the last five years:

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 28:	NW ¹ / ₄ NW ¹ / ₄	25.0
	SW ¹ / ₄ NW ¹ / ₄	<u>3.6</u>
TOTAL		28.6

8. Subsequently, the Department and the appropriators undertook efforts to determine the actual number of acres irrigated during the last five consecutive years.
9. On August 27, 2026, Leigh A. Fuhrman filed correspondence requesting withdrawal of the contest for A-3021, conditioned upon the Department leaving the acres as depicted and enumerated on map number 21783.
10. The Department agrees with the conditions of withdrawal and agrees with the resolution of the contest. The remaining above-referenced acres, as depicted on map number 21783, should remain active and in full force and effect.
11. Contested case number 2026-3-CC-1-1890 was DISMISSED under separate Order.

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-3021 for 81.4 acres at the rate of 0.58 cfs is **CANCELLED**.
2. **Authorized Land for Irrigation**
Appropriation A-3021 now authorizes the appropriator to divert water from the **North Fork of the Elkhorn River** to irrigate **28.6 acres** of land described below and depicted on map number 21783, which is made a part of this Order. The water may be diverted from **the North Fork of the Elkhorn River** at a point of diversion located in the **NW¹₄NW¹₄** of **Section 28, Township 25 North, Range 01 West of the 6th P.M. in Pierce County**. Water diverted shall not exceed the ratio of **one cfs for every 140 acres** irrigated at a maximum rate of 0.21 cfs (94 gallons per minute). The total volume may not exceed three acre-feet per irrigated acre per year.

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 28:	NW ¹ ₄ NW ¹ ₄	25.0
	SW ¹ ₄ NW ¹ ₄	<u>3.6</u>
	TOTAL	28.6

3. **Terms and Conditions of Previous Orders**
All terms and conditions of previous Orders for appropriation A-3021 remain in effect unless specifically changed by this Order.
4. **Ongoing Compliance 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.

ADDITIONAL INFORMATION

Failure to comply with applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, and/or criminal prosecution.

Under Nebraska law, **nonuse** of a perfected appropriation for **more than five consecutive years** may result in its cancellation.

This appropriation **does not guarantee** water availability. Senior appropriations have legal priority. If insufficient water is available, junior appropriators may be closed. Appropriators may request enforcement action by contacting the local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



September 16, 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 21783 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 21783 were mailed to the following:

Leigh Fuhrman
84418 560th Avenue
Norfolk, Nebraska 68701

Craig Meierhenry
1315 West Benjamin Avenue Unit E
Norfolk, Nebraska 68701

Gerry Krueger
85197 550th Avenue
Pierce, Nebraska 68767