

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-10889**

WATER DIVISION 2-B

- Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-10889 is held by **E & K Family Farms; KKE Farms LLC; Luella A. Ericksen; Victoria Kuhlman and the Village of Craig.**
- Appropriation A-10889 has a priority date of **July 18, 1966**, and authorizes use of water for irrigation on **628.44 acres**, described below. Water may be diverted from **Bell Creek** at points of diversion located on the right bank of the stream in the **SE¹/₄NE¹/₄** and on the left bank of the stream in the **SW¹/₄NE¹/₄** of **Section 23, Township 21 North, Range 09 East of the 6th P.M. in Burt County.** The maximum diversion rate shall not exceed **5.24 cubic feet** per second (cfs) from all points of diversion.

Township 21 North, Range 09 East of the 6 th P.M. in Burt County		Acres	Township 21 North, Range 09 East of the 6 th P.M. in Burt County		Acres
Section 11:	SW ¹ / ₄ SE ¹ / ₄	20.00	Section 23:	NE ¹ / ₄ NE ¹ / ₄	18.50
	SE ¹ / ₄ SE ¹ / ₄	10.00		SW ¹ / ₄ NE ¹ / ₄	4.50
				SE ¹ / ₄ NE ¹ / ₄	38.00
Section 13:	NW ¹ / ₄ NW ¹ / ₄	20.00		NW ¹ / ₄ SE ¹ / ₄	40.00
	SW ¹ / ₄ NW ¹ / ₄	20.00		NE ¹ / ₄ SE ¹ / ₄	38.60
	NW ¹ / ₄ SW ¹ / ₄	9.84		SW ¹ / ₄ SE ¹ / ₄	40.00
				SE ¹ / ₄ SE ¹ / ₄	40.00
Section 14:	NW ¹ / ₄ NE ¹ / ₄	40.00	Section 24:	NW ¹ / ₄ SW ¹ / ₄	28.00
	NE ¹ / ₄ NE ¹ / ₄	37.00		NE ¹ / ₄ SW ¹ / ₄	2.00
	SW ¹ / ₄ NE ¹ / ₄	40.00		SW ¹ / ₄ SW ¹ / ₄	38.00
	SE ¹ / ₄ NE ¹ / ₄	37.00		SE ¹ / ₄ SW ¹ / ₄	30.00
	NW ¹ / ₄ SE ¹ / ₄	40.00			
	NE ¹ / ₄ SE ¹ / ₄	37.00	TOTAL		628.44

- Based on information received and records reviewed, the Department has determined that Appropriation A-10889 has not been used for irrigation for **more than five consecutive years**, as required by Nebraska law.
- At this time, the Department is unaware of any sufficient cause for nonuse under **Neb. Rev. Stat. § 46-229.04.**
- Pursuant to **Neb. Rev. Stat. § 46-229.02**, this Notice serves as preliminary notification that Appropriation A-10889 will be **cancelled** unless this determination is successfully contested.

6. Landowners with a legal interest in the land under this appropriation may:
- A. Take no action. If no response is received by the deadline, the Department will proceed with cancellation of Appropriation A-10889.
 - B. Contest this determination by submitting the enclosed **contest form** to the Department's Lincoln office (245 Fallbrook Blvd., Suite 100, Lincoln, NE 68521) **by 5:00 P.M. on June 3, 2026. No filing fee is required.**
7. Enclosed with this Notice are:
- Copy of applicable statutes (Neb. Rev. Stat. §§ 46-229 to 46-229.05)
 - Blank contest form
 - Report of Field Investigation (basis for this determination)
 - Partially completed Full Relinquishment of a Surface Water Appropriation form
8. Additional information about cancellation laws can be found at the Nebraska Legislature's website: <http://nebraskalegislature.gov/laws>
9. Questions may be directed to the Department's Permits Section at (402) 471-2186. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 4, 2026

Mike Thompson
Surface Water Division Administrator

A copy of this Notice was posted on the Department's website. A copy of this Notice was provided to the Department's docket clerk and field office in Norfolk, Nebraska. Copies of this Notice and enclosures were mailed by certified mail to the following:

KKE Farms LLC
Kevin and Diane Eriksen
5800 Doe Circle Drive
Lincoln, Nebraska 68516

Luella A. Eriksen
c/o Roberta Witherspoon
834 North 13th Street
Blair, Nebraska 68008

E & K Agri Family Farms
Richard and Nora Eriksen
2590 County Road H
Tekamah, Nebraska 68061

Bart Meyer
Village of Craig
196 North Main Street
Craig, Nebraska 68019

Victoria Kuhlmann
1422 I Street
Tekamah, Nebraska 68061