

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-13397**

WATER DIVISION 2-B

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 has a priority date of **February 11, 1975**, and authorizes use of water for irrigation on **13.1 acres**, described below. 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 maximum diversion rate shall not exceed **0.19 cubic feet** per second (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. 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. At this time, the Department is unaware of any sufficient cause for nonuse under **Neb. Rev. Stat. § 46-229.04**.
5. Pursuant to **Neb. Rev. Stat. § 46-229.02**, this Notice serves as preliminary notification that Appropriation A-13397 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-13397.
 - 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 25, 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 this link [Nebraska Legislature Website](#).

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 26, 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:

Beau Baltzell
24305 Leavenworth Circle
Waterloo, Nebraska 68069