

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-13582**

WATER DIVISION 2-B

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13582 is held by **Paul V. and Muriel L. Meierhenry**.
2. Appropriation A-13582 has a priority date of **May 13, 1975**, and authorizes use of water for irrigation on **81.0 acres**, described below. Water may be diverted from **the North Fork of the Elkhorn River** at points of diversion located in the **NW¹/₄NW¹/₄, NE¹/₄NW¹/₄, SE¹/₄NW¹/₄, NW¹/₄NE¹/₄, NE¹/₄NE¹/₄, SW¹/₄NE¹/₄, NE¹/₄SW¹/₄ and NW¹/₄SE¹/₄ of Section 28, Township 25 North, Range 01 West of the 6th P.M. in Pierce County**. The maximum diversion rate shall not exceed **0.70 cubic feet** per second from all points of diversion.

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County	Acres
Section 28: NW ¹ / ₄ NW ¹ / ₄	4.0
NE ¹ / ₄ NW ¹ / ₄	9.0
SW ¹ / ₄ NW ¹ / ₄	18.0
SE ¹ / ₄ NW ¹ / ₄	17.0
NW ¹ / ₄ NE ¹ / ₄	6.0
NE ¹ / ₄ NE ¹ / ₄	11.0
SE ¹ / ₄ NE ¹ / ₄	13.0
NW ¹ / ₄ SE ¹ / ₄	3.0
TOTAL	81.0

3. The Department has received information concerning the use of surface water appropriation A-13582 and determined that a **portion** of the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law.

4. The Department's preliminary determination is that a **portion** of appropriation A-13582 at the rate of **0.45 cfs** has not been used for more than five years to irrigate the land described below.

Township 25 North, Range 01 West of the 6 th P.M. in Pierce County		Acres
Section 28:	NW ¹ / ₄ NW ¹ / ₄	0.2
	NE ¹ / ₄ NW ¹ / ₄	6.8
	SW ¹ / ₄ NW ¹ / ₄	4.6
	SE ¹ / ₄ NW ¹ / ₄	6.9
	NW ¹ / ₄ NE ¹ / ₄	6.0
	NE ¹ / ₄ NE ¹ / ₄	11.0
	SE ¹ / ₄ NE ¹ / ₄	13.0
	NW ¹ / ₄ SE ¹ / ₄	<u>3.0</u>
	TOTAL	51.5

5. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse of a **portion** of appropriation A-13582 under Neb. Rev. Stat. § 46-229.04.
6. In accordance with state law (*Nebraska Revised Statutes* § 46-229.02) this notice is to inform you that the **portion** of appropriation A-13582 described in item four above will be cancelled unless the Department's determination is successfully contested.
7. The owner(s) of the land that may be irrigated under water appropriation A-13582 may:
- A. Choose not to respond to this Notice. **If no timely response is received the Department will proceed to enter an order cancelling the portion of water appropriation A-13582 as described above.**
 - B. Contest the Department's Preliminary Determination by filing the enclosed contest form in the Department at its Lincoln office: 245 Fallbrook Blvd, Suite 100, Lincoln, Nebraska 68521 **by 5:00 P.M. on June 18, 2026.** No filing fee is required.
8. Enclosed are: (1) a copy of the laws governing cancellation of appropriations, *Nebraska Revised Statutes* §§ 46-229, 46-229.02, 46-229.03, 46-229.04 and 46-229.05; (2) a blank contest form; (3) a copy of the Report of Field Investigation which is the basis for the determination; and (4) a map showing the location of the **portion** of A-13586 subject to this notice.
9. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegislature.gov/laws>.

10. Requests for additional information regarding this proceeding may be directed to the Department or by calling the permits section at (402) 471-2186. Business hours for the Department are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

Mike Thompson

May 19, 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 field office in Norfolk, Nebraska. Copies of this Notice and four enclosures were mailed by certified mail to the following:

Paul V. and Muriel L. Meierhenry
Attn: Muriel L. Meierhenry
1315 West Benjamin Avenue Unit E
Norfolk, Nebraska 68701

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

Gerry Krueger
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Pierce, Nebraska 68767

Leigh Fuhrman
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