

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE  
OF SURFACE WATER APPROPRIATION A-3021**

WATER DIVISION 2-B

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 use of water for irrigation on **110.0 acres**, described below. Water may be diverted from **the North Fork of the Elkhorn River** at points of diversion located in the **NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 28, Township 25 North, Range 01 West of the 6<sup>th</sup> P.M. in Pierce County**. The maximum diversion rate shall not exceed **0.79 cubic feet** per second (cfs) from all points of diversion.

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

3. The Department has received information concerning the use of surface water appropriation A-3021 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-3021 at the rate of **0.59 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 <sup>th</sup> P.M. in Pierce County		Acres
Section 28:	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	2.8
	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	16.0
	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	6.0
	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5.0
	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	26.0
	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>27.0</u>
	TOTAL	82.8

5. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse of a **portion** of appropriation A-3021 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-3021 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-3021 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-3021 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-3021 subject to this notice.
9. Further information concerning the laws governing cancellation of appropriations can be found at the Nebraska Legislature Website at <http://nebraskalegisature.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  
85197 550<sup>th</sup> Avenue  
Pierce, Nebraska 68767

Leigh Fuhrman  
84418 560<sup>th</sup> Avenue  
Norfolk, Nebraska 68701