

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**NOTICE OF PRELIMINARY DETERMINATION OF NONUSE
OF SURFACE WATER APPROPRIATION A-16969**

WATER DIVISION 2-B

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-16969 is held by **Eugene and Paula J. Wolken**.
2. Appropriation A-16969 has a priority date of **April 5, 1990**, and authorizes use of water for irrigation on **92.2 acres**, described below. Water may be diverted from **Taylor Creek** at a point of diversion located in the **NW¹₄NW¹₄** of **Section 26, Township 22 North, Range 02 West of the 6th P.M. in Madison County**. The maximum diversion rate shall not exceed **1.32 cubic feet** per second (cfs).

Township 22 North, Range 02 West of the		Acres
6 th P.M. in Madison County		
Section 26:	NW ¹ ₄ NW ¹ ₄	30.0
	NE ¹ ₄ NW ¹ ₄	40.0
	SW ¹ ₄ NW ¹ ₄	1.8
	SE ¹ ₄ NW ¹ ₄	<u>20.4</u>
	TOTAL	92.2

3. Based on information received and records reviewed, the Department has determined that Appropriation A-16969 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-16969 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-16969.
 - 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 November 30, 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: <https://nebraskalegislature.gov/laws/browse-chapters.php?chapter=46>

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



October 30, 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:

Eugene and Paula J. Wolken
55011 830 Road
Madison, Nebraska 68748