STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

NOTICE OF PRELIMINARY DETERMINATION OF NONUSE

OF SURFACE WATER APPROPRIATION A-4500

WATER DIVISION 2-B

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-4500 is held by **Ronald G. and Cheryl L. Schmidt, Gary L and Janet L. Zimmerer and Gary and Betty Uttecht.**

2. Appropriation A-4500 has a priority date of **August 15, 1949,** and authorizes use of water for irrigation on **55.5 acres,** described below. Water may be diverted from **Taylor Creek** at points of diversion located on both banks of the stream in the **NE¼NE¼** of **Section 27, Township 22 North, Range 02 West of the 6th P.M. in Madison County.** The maximum diversion rate shall not exceed **0.39 cubic feet** per second (cfs) from all points of diversion.

Township 22 North, Range 02 West of the 6th P.M. in Madison County		Acres
Section 27:	NW¼NE¼	30.0
	NE¼NE¼	17.0
	SW¼NE¼	5.5
	SE¼NE¼	3.0
	TOTAL	55.5

3. Based on information received and records reviewed, the Department has determined that Appropriation A-4500 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-4500 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-4500.

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 December 17, 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: nebraskalegislature.gov/laws/browse-statutes.php

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

Mike Thompson

November 17, 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:

Ronald G. and Cheryl L. Schmidt
705 South Ingram Street
Madison, Nebraska 68748

Gary and Betty Uttecht
54961 830 Road
Madison, Nebraska 68748

Gary L. and Janet L. Zimmerer
46348 295th Avenue
Humphrey, Nebraska 68642