

STATE OF NEBRASKA

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

APPROVAL OF EXPEDITED TRANSFER EXT-11685 FOR WATER APPROPRIATION A-13955

AND MAP NUMBER 21725

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-13955 is held by Bittner Farms, LLC.
2. Appropriation A-13955 has a priority date of **January 21, 1976**, and authorizes the use of water for irrigation of the 106.0 acres of land described below. The water may be diverted from **the Loup River** at a point of diversion located on the north bank of the stream in the **SE¹/₄SE¹/₄ of Section 05, Township 15 North, Range 07 West of the 6th P.M. in Nance County**. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of **1.51** cfs.

<u>Township 15 North, Range 07 West of the</u>	<u>Acres</u>
<u>6th P.M. in Nance County</u>	
Section 05: NW ¹ / ₄ NE ¹ / ₄	34.0
NE ¹ / ₄ NE ¹ / ₄	33.0
SW ¹ / ₄ NE ¹ / ₄	26.5
SE ¹ / ₄ NE ¹ / ₄	<u>12.5</u>
TOTAL	106.0

3. On March 6, 2026, Keith Bittner, on behalf of Bittner Farms, LLC, filed application EXT-11685 for a permit for an expedited transfer of the location of use for land authorized to be irrigated by appropriation A-13955 and map number 21725 showing the land proposed to be irrigated under appropriation A-13955 through transfer EXT-11685.

ORDER

IT IS HEREBY ORDERED

1. Application EXT-11685 for a permit for an expedited transfer of the location of use and map number 21725 are **APPROVED**.

2. Authorized Land for Irrigation

Appropriation A-13955 through transfer EXT-11685 authorizes the use of water to irrigate 106.0 acres of land described below and depicted on map number 21725, which is made a part of this Order. The water may be diverted from **the Loup River** at a point of diversion located in the **SE¹/₄SE¹/₄ of Section 05, Township 15 North, Range 07 West of the 6th P.M. in Nance County**, as depicted on map number 21725. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of **1.51 cfs** (678 gallons per minute). The total volume may not exceed **three acre-feet** per irrigated acre per year nor to exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.

Township 15 North, Range 15 West of the		
6 th P.M. in Nance County		Acres
Section 05:	NW ¹ / ₄ NE ¹ / ₄	37.1
	NE ¹ / ₄ NE ¹ / ₄	36.4
	SW ¹ / ₄ NE ¹ / ₄	16.1
	SE ¹ / ₄ NE ¹ / ₄	<u>16.4</u>
	TOTAL	106.0

3. Terms & Conditions of Previous Order(s)

All terms and conditions of appropriation A-13955 remain in effect unless specifically changed by this Order.

4. Measuring Device

A measuring device, approved by the Department and at the Applicant's expense, may be required if so ordered by the Department.

5. Ongoing Statutory Requirements

The appropriator must:

- A. Notify the Department of any change in ownership or address.
- B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

ADDITIONAL INFORMATION

Failure to comply with applicable laws, Department Orders, or the terms of this Order may result in cancellation, suspension, administrative penalties, or criminal prosecution.

Under Nebraska law, failure to use a portion or all of a perfected appropriation for **more than five consecutive years** for its approved purpose may result in its cancellation.

This appropriation **does not guarantee** water availability. Senior appropriations have legal priority. If insufficient water is available, junior appropriators may be closed. Appropriators may request enforcement action by contacting the local field office.

DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT



May 28, 2026

Matthew T. Manning, PE, JD
Chief Water Officer

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21725 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21725 were mailed to the following:

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