

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
ORDER OF CANCELLATION IN PART,
APPROVAL OF EXPEDITED TRANSFER EXT-10818 AND MAP NUMBER 21628
FOR WATER APPROPRIATION A-12397
WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-12397 is held by Circle A, LLC.
2. A scrivener's error was made on the Order dated November 1, 1971, approving map number 10867. The Order stated amount of water diverted shall not exceed **3.36** cubic feet per second of time (cfs); the correct amount is **3.63** cfs.
3. Appropriation A-12397 has a priority date of October 14, 1971, and authorizes the use of water for irrigation of the 254.4 acres of land described below. The water may be diverted from the North Loup River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 21 North, Range 18 West of the 6th P.M. in Loup County. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 3.63 cfs from all points of diversion. The total annual volume may not exceed 3 acre-feet per acre of land on which water is actually and beneficially applied.

Township 21 North, Range 18 West of the 6 th P.M. in Loup County		Acres
Section 23:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.5
Section 24:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
Section 25:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	29.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.5
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	18.0
Section 26:	NE $\frac{1}{4}$ NE $\frac{1}{4}$	31.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>6.0</u>
TOTAL		254.4

4. On December 6, 2024, Max T. Wake, on behalf of Circle A, LLC, filed application EXT-10818 for a permit for an expedited transfer of the location of use for 215.1 of the 254.4 acres under surface water appropriation A-12397.

5. On December 6, 2024, Max T. Wake filed REL-10820 relinquishing a portion of the water under appropriation A-12397, for use on the land described below.

Township 21 North, Range 18 West of the 6 th P.M. in Loup County		Acres
Section 23:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>16.3</u>
TOTAL		39.3

6. On August 5, 2025, Max T. Wake filed map number 21628 showing the land proposed to be irrigated under appropriation A-12397 through transfer EXT-10818.

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-12397 at the rate of 0.56 cfs is CANCELLED for use on the 39.3 acres of land described above.
2. Application EXT-10818 for a permit for an expedited transfer of the location of use and map number 21628 are APPROVED.
3. Appropriation A-12397 through transfer EXT-10818 authorizes the use of water to irrigate 215.1 acres of land described below and depicted on map number 21628, which is made a part of this Order. The water may be diverted from the North Loup River at points of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 21 North, Range 18 West of the 6th P.M. in Loup County, as depicted on map number 21628. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum combined rate of 3.07 cfs from all points of diversion (1377 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 21 North, Range 18 West of the 6 th P.M. in Loup County		Acres
Section 23:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.2
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.5
Section 24:	SW $\frac{1}{4}$ SW $\frac{1}{4}$	23.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.5

Township 21 North, Range 18 West of the 6 th P.M. in Loup County		Acres
Section 25:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.2
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25.5
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
Section 26:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14.8
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>5.7</u>
TOTAL		215.1

4. All terms and conditions of appropriation A-12397 remain in effect unless specifically changed by this Order.
5. A measuring device, approved by the Department, may be required if so ordered by the Department and such would be at Appropriator's expense.
6. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:
 - 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 all laws and regulations pertaining to surface water appropriations, any orders issued by the Department, or the provisions of this Order may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF Water Energy, and Environment



September 3, 2025

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 21628 were provided to the Department's field office in Ord, Nebraska. Copies of this Order and map number 21628 were mailed to the following:

Max T. Wake
Jones National Bank
P.O. Box 469
Seward, Nebraska 68434

max.wake@jonesbank.com