

STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT

**ORDER OF CANCELLATION IN PART,
APPROVAL OF EXPEDITED TRANSFER EXT-11476 AND MAP NUMBER 21668
FOR WATER APPROPRIATION A-8775**

WATER DIVISION 2-B

BACKGROUND

1. Records on file in the Department of Water, Energy, and Environment (Department) show that surface water appropriation A-8775 is held by BTO Property, LLC.
2. Appropriation A-8775 has a priority date of **August 24, 1956**, and authorizes the use of water for irrigation of the 24.0 acres of land described below. The water may be diverted from **the Elkhorn River** at a point of diversion located on **the north bank of the stream in the NW¹/₄NW¹/₄ of Section 20, Township 29 North, Range 13 West of the 6th P.M. in Holt 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 0.34 cfs. The total annual volume may not exceed **three acre-feet per acre** of land on which water is actually and beneficially applied.

Township 29 North, Range 13 West of the 6 th P.M. in Holt County		Acres
Section 20:	NW ¹ / ₄ NW ¹ / ₄	7.0
	NE ¹ / ₄ NW ¹ / ₄	<u>17.0</u>
TOTAL		24

3. On December 15, 2025, William J. Tielke, on behalf of BTO Property, LLC, filed application EXT-11476 for a permit for an expedited transfer of the location of use for 20.0 of the 24.0 acres under surface water appropriation A-8775 and map number 21668 showing the land proposed to be irrigated under appropriation A-8775 through transfer EXT-11476.
4. On December 15, 2025, William J. Tielke filed REL-11529 relinquishing a portion of appropriation A-8775, for use on the land described below.

Township 29 North, Range 13 West of the 6 th P.M. in Holt County		Acres
Section 20:	NE ¹ / ₄ NW ¹ / ₄	4.0

ORDER

IT IS HEREBY ORDERED:

1. Part of surface water appropriation A-8775 for the land described above at the rate of 0.06 cfs is **CANCELLED**.
2. Application EXT-11476 for a permit for an expedited transfer of the location of use and map number 21668 are **APPROVED**.
3. **Authorized Land for Irrigation Through EXT-11476**
Appropriation A-8775 through transfer EXT-11476 authorizes the use of water to irrigate **20.0 acres** of land described below and depicted on map number 21668, which is made a part of this Order. The water may be diverted from **the Elkhorn River** at a point of diversion located on **the left bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 29 North, Range 13 West of the 6th P.M. in Holt County**, as depicted on map number 21668. Water diverted shall not exceed the ratio of **one cfs for every 70 acres** irrigated at a maximum rate of .28 cfs (**126** gallons per minute). The total volume may not exceed **three acre-feet per irrigated acre per year**.

Township 29 North, Range 13 West of the 6 th P.M. in Holt County		Acres
Section 17:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.4
Section 20:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>12.6</u>
TOTAL		20.0

4. **Terms and Conditions of Previous Orders**
All terms and conditions of appropriation A-8775 remain in effect unless specifically changed by this Order.
5. **Ongoing Compliance 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, and/or criminal prosecution.

Under Nebraska law, **nonuse** of a perfected appropriation for **more than five consecutive years** 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



January 21, 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 21668 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 21668 were mailed to the following:

William J. Tielke
BTO Property, LLC
88154 483rd Avenue
Atkinson, Nebraska 68713