

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION AND
ASSIGNMENT OF RIGHTS OF WATER APPROPRIATION A-365R (P-270)

WATER DIVISION 1-A

BACKGROUND

1. Water appropriation A-365R (P-270) with a priority date of March 15, 1897 authorizes the Gering Irrigation District (District) to divert 192.56 cubic feet per second (cfs) of water at a rate of one cfs for every seventy acres irrigated from the North Platte River through the Mitchell-Gering Canal at its headgate located in Section 10, Township 23 North, Range 60 West of the 6th P.M. in Goshen County, Wyoming, for irrigation of 13,468.9 acres

The District also receives supplemental water under a Warren Act Contract held by the U.S. Bureau of Reclamation (Reclamation), based on a contract between the two entities. The contract allows use of water only for those lands irrigated within the District.

2. On February 13, 2015, the District and individual landowners filed in the Department Relinquishment of Water Appropriation In Part REL-5304 to relinquish the right to divert a portion of the water under A-365R (P-270).
3. On February 13, 2015, the District filed Notification of Assignment of Rights, AOR-5307, to assign the portion of appropriation A-365R (P-270), previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under A-365R (P-270) from the North Platte River through the Mitchell-Gering Canal for use upon the land described below and shown on aerial photographs filed with REL-5304 is CANCELLED.

REL-5304

Township 21 North, Range 54 West of the
6th P.M. in Scotts Bluff County Acres

Section 14: SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.1

2. The Department acknowledges the Notification of Assignment of Rights, AOR-5307, filed by the District on February 13, 2015, to assign the portion of water under A-365R (P-270) previously relinquished by REL-5304 to the 8.1 acres described below and shown on the aerial photograph filed with AOR-5307.

AOR-5307

Township 21 North, Range 54 West of the
6th P.M. in Scotts Bluff County Acres

Section 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.1

3. The following is a summary of A-365R (P-270) as a result of the District's filings in the Department before and after this Order:

Appropriation Number	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Relinquished in this Order		Amount Assigned in this Order		Total Available for Assignment after this Order	
	Acres	Grant	Acres	Grant ¹	Acres	Grant ¹	Acres	Grant ¹	Acres	Grant
A-365R (P-270)	13,468.9	192.56	1.35	0.02	8.1	0.12	8.1	0.12	1.35	0.02

¹ Rounded to the nearest hundredth

4. The right to divert 192.56 cubic feet per second (cfs) of water, under appropriation A-365R (P-270), from the North Platte River via the Mitchell-Gering Canal for use upon 13,468.9 acres shall remain IN FULL FORCE AND EFFECT.
5. All terms and conditions of appropriation A-365R (P-270) remain in effect unless specifically changed by this Order.
6. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
- A. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
 - B. Notify the Department of Natural Resources of any reassignment of relinquished portions of an appropriation.
 - C. Comply with all relevant notices and orders of the Department.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

July 22, 2015


James C. Schneider, Ph.D.
Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on July 22, 2015, to the following:

Gering Irrigation District
981 Rundell Road
Gering, Nebraska 69341-0541

U.S. Bureau of Reclamation
c/o Carlie A. Ronca
P.O. Box 1630
Mills, Wyoming 8264