STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION AND ASSIGNMENT

OF WATER APPROPRIATION A-768

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-768 is held by the Pathfinder Irrigation District (District).

2. Appropriation A-768, with a priority date of September 19, 1904, authorizes the use of water for irrigation of 110,040.0 acres. The water may be diverted from the North Platte River via the Interstate Canal headgate located in the NE¼NW¼ of Section 11, Township 26 North, Range 65 West of the 6th P.M. in Wyoming. The rate that water that may be diverted is one cubic foot per second (cfs) for every 70 acres irrigated, at a maximum rate of 1,572.0 cfs.

3. The District also receives supplemental water from Pathfinder Reservoir under a Warren Act contract with the U. S. Bureau of Reclamation (Reclamation). The Warren Act (43 U.S.C. §§ 523-525) authorized Reclamation to contract with recipients of project water to receive supplemental non-project water when excess exists. The supplemental water may only be applied to land that is appurtenant to a natural flow appropriation.

4. On January 3, 2014, the District and individual landowners filed in the Department Relinquishments of Water Appropriation In Part REL-4891 and REL-4892 relinquishing the right to divert water for irrigation of 314.3 acres under A-768.

5. On January 3, 2014, the District filed in the Department a Notification of Assignment of Rights, AOR-4893, to assign a portion of the water appropriated under A-768 to irrigate 314.3 acres of land.

6. On April 24, 2014, the District and individual landowners filed in the Department Relinquishments of Water Appropriation In Part REL-5049, REL-5050, REL-5051 and REL-5052 relinquishing the right to divert for 35.2 acres under A-768.

7. On April 24, 2014, the District filed in the Department a Notification of Assignment of Rights, AOR-5047, to assign a portion of the water appropriated under A-768 to irrigate 35.2 acres of land.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 for use upon the 314.3 acres described below and shown on aerial photographs filed with REL-4891 REL-4892 is CANCELLED.

REL-4891

Township 23 North, Range 55 West of the 6th P.M. in Scotts Bluff County		Acres
Section 5:	NW¼NW¼	2.0
	SW¼NW¼	8.4
	SE¼NW¼	1.4
	NW¼SW¼	3.8
	NE¼SW¼	7.1
	SW¼SW¼	14.3
Section 6:	SW¼NE¼	13.0
	SE¼NE¼	8.0
	NW¼SE¼	6.8
	NE¼SE¼	8.9
	SW¼SE¼	5.9
	SE¼SE¼	9.6

Township 24 North, Range 56 West of the 6th P.M. in Sioux County		Acres
Section 24:	SW¼NE¼	14.0
	SE¼NE¼	17.5
	NE¼SE¼	2.3
	SW¼SE¼	6.6
	SE¼SE¼	19.6

REL-4891

Township 24 North, Range 56 West of the 6th P.M. in Sioux County		Acres
Section 25:	NW¼SW¼	39.0
	NE¼SW¼	33.1
	SW¼SW¼	40.0
	SE¼SW¼	39.0
	REL-4891 TOTAL	300.3

REL-4892

Township 23 North, Range 55 West of the 6th P.M. in Scotts Bluff County		Acres
Section 20:	NW¼NW¼	13.2
	SW¼NW¼	0.8
	REL-4892 TOTAL	14.0

Total acres relinquished by REL-4891 and REL-4892: 314.3

2. Part of appropriation A-768 for use upon the 35.2 acres described below and shown on aerial photographs filed with REL-5049, REL-5050, REL-5051 and REL-5052 is CANCELLED

REL-5049

Township 23 North, Range 54 West of the 6th P.M. in Scotts Bluff County	Acres
Section 33: NW¼NE¼	5.0

Township 23 North, Range 55 West of the 6th P.M. in Scotts Bluff County	Acres
Section 26: SW¼SE¼	7.7
REL-5049 TOTAL	12.7

REL-5050

Township 23 North, Range 54 West of the 6th P.M. in Scotts Bluff County	Acres
Section 31: SW¼NW¼	4.5

REL-5051

Township 22 North, Range 55 West of the 6th P.M. in Scotts Bluff County	Acres
Section 5: NW¼NW¼	13.0

REL-5052

Township 22 North, Range 54 West of the 6th P.M. in Scotts Bluff County	Acres
Section 10: SE¼SE¼	5.0

Total acres relinquished by REL-5049, REL-5050, REL-5051, and REL-5052	**35.2**

3. The Department acknowledges the Notification of Assignment of Rights, AOR-4893, filed by the District on January 3, 2014, to assign the portion of A-768 relinquished by REL-4891 and REL-4892 to the 314.3 acres described below and shown on aerial photographs submitted with AOR-4893.

AOR-4893

Township 24 North, Range 56 West of the 6th P.M. in Sioux County	Acres
Section 13: SW¼NW¼	22.9
SE¼NW¼	22.2
NW¼SW¼	32.0
NE¼SW¼	32.4

Township 24 North, Range 55 West of the 6th P.M. in Sioux County	Acres
Section 30: NW¼NW¼	23.2
NE¼NW¼	24.4
SE¼NW¼	34.5
NW¼SW¼	0.9
NE¼SW¼	1.2

AOR-4893

Township 24 North, Range 55 West of the 6th P.M. in Sioux County	Acres
Section 32: NW¼SW¼	29.0
NE¼SW¼	31.2
SW¼SW¼	29.3
SE¼SW¼	31.1
AOR-4893 TOTAL	**314.3**

4. The Department acknowledges the Notification of Assignment of Rights, AOR-5047, filed by the District on April 24, 2014, to assign the portion of A-768 relinquished by REL-5049, REL-5050, REL-5051 and REL-5052 to the 35.2 acres described below and on the aerial photograph submitted with AOR-5047.

AOR-5047

Township 24 North, Range 58 West of the 6th P.M. in Sioux County	Acres
Section 1: SW¼NE¼	35.2

5. The right to divert 1,572.0 cfs from the North Platte River under A-768 via the Interstate Canal for use upon 110,040.0 acres shall remain IN FULL FORCE AND EFFECT.

6. All terms and conditions of appropriation A-768 remain in effect unless specifically changed by this Order.

7. 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 16, 2014

Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on July 16, 2014, to the following:

Dennis Strauch, Manager
Pathfinder Irrigation District
P.O. Box 338
Mitchell, Nebraska 69357

Coleman Smith, Area Manager
U.S. Bureau of Reclamation
P.O. Box 1630
Mills, Wyoming 82644