STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION, ASSIGNMENT OF RIGHTS AND APPROVAL OF MAP NUMBER 19412 FOR 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 Pathfinder Irrigation District (District).

2. Appropriation A-768, with a priority date of September 29, 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 may be diverted is one cubic foot per second (cfs) for every 70 aces 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* 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 October 20, 2014, the District and individual landowners filed in the Department Relinquishment of Surface Water Appropriation, in part, REL-5223 through REL-5233 relinquishing the right to divert water for irrigation of 75.7 acres of land under A-768.

5. On October 20, 2014, the District filed in the Department Notification of Assignment of Rights, AOR-5222, to assign a portion of the water appropriated under A-768 to irrigate 75.7 acres of land.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 in the amount of 1.08 cfs for irrigation of 75.7 acres of land described on **Attachment A** and shown on map number 19412 filed with REL-5223 through REL-5233 is CANCELLED.

2. The Department acknowledges the Notification of Assignment of Rights, AOR-5222, filed by the District on October 20, 2014, to assign the portion of water under A-768 previously relinquished by REL-5223 through REL-5233 to the 75.7 acres of land described on **Attachment A** and shown on map number 19412 filed with AOR-5222.

3. Attachment A and map number 19412 are made a part of this Order.

4. The land depicted on map number 19412 only represents the change of location of acres under appropriation A-768 through relinquishments REL-5223 through REL-5233, and assignment of rights AOR-5222.

5. The right to divert 1,572.0 cfs from the North Platte River to irrigate the 110,040 acres of land under A-768 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 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. These relevant statutory requirements include, but are 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 more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

January 15, 2016

Gordon W. Fassett, P.E., Director

Copies of this Order and Attachment A were posted on the Department's website. Copies of this Order, Attachment A, and map number 19412 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order, Attachment A, and map number 19412 were mailed on January 15, 2016, to the following:

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

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

Attachment A

Pathfinder Irrigation District Relinquishments and Assignments for A-768
filed October 20, 2014
as of Order Dated January 15, 2016

Legal Description	AOR-5222	REL-5223	REL-5224	REL-5225	REL-5226	REL-5227	REL-5228	REL-5229	REL-5230	REL-5231	REL-5232	REL-5233
NW SE S09 T23N-R55W	9.5	3.1										
NE SE S09 T23N-R55W	34.4											
SW NW S10 T23N-R55W	11.8	5.3										
NW SW S10 T23N-R55W	20.0	6.6										
NE NE S36 T23N-R55W					7.3							1.5
SE NE S36 T23N-R55W				3.2	10.3	3.2	3.3	3.2	3.2	3.2	3.2	6.4
NE SE S01 T22N-R55W			0.5									
SE SE S01 T22N-R55W			3.6									
NE NE S12 T22N-R55W			8.6									
Totals	75.7	15.0	12.7	3.2	17.6	3.2	3.3	3.2	3.2	3.2	3.2	7.9