

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION, ASSIGNMENT OF RIGHTS AND  
APPROVAL OF MAP NUMBER 19410 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, Township 26 North, Range 65 West of the 6<sup>th</sup> P.M. in Wyoming. The rate that water 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* 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 July 9, 2015, the District and individual landowners filed in the Department Relinquishment of Surface Water Appropriation, in part, REL-5503 relinquishing the right to divert water for irrigation of 4.2 acres of land under A-768.
5. On July 9, 2015, the District filed in the Department Notification of Assignment of Rights, AOR-5504, to assign a portion of the water appropriated under A-768 to irrigate 4.2 acres of land.

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 in the amount of 0.06 for irrigation of 4.2 acres of land described on **Attachment A** and shown on map number 19410 filed with REL-5503 is CANCELLED.
2. The Department acknowledges the Notification of Assignment of Rights, AOR-5504, filed by the District on July 9, 2015, to assign the portion of water under A-768 previously relinquished by REL-5503 to the 4.2 acres of land described on **Attachment A** and shown on map 19410 filed with AOR-5504.

3. Attachment A and map number 19410 are made a part of this Order.
4. The land depicted on map number 19410 only represents the change of location of acres under appropriation A-768 through relinquishment REL-5503 and assignment of rights AOR-5504.
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 NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, Township 26 North, Range 65 West of the 6<sup>th</sup> 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 19410 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order, Attachment A, and map number 19410 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 July 9, 2015  
as of Order Dated January 15, 2016**

<b>Legal Description</b>	<b>REL-5503</b>	<b>AOR-5504</b>
SE NW S01 T24N-R58W		4.2
SE SE S26 T23N-R55W	4.2	
Totals	4.2	4.2