STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION AND REASSIGNMENT

OF WATER APPROPRIATION A-768

WATER DIVISION 1-A

Background

1. 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 amount of 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. On January 22, 2010, the District and individual landowners filed in the Department Relinquishment of Water Appropriation In Part REL-1864 relinquishing the right to divert a portion of the water under appropriation A-768 to irrigate the 147.6 acres of land described below:

Township 22 North, Range 53 West of the 6th P.M. in Scotts Bluff County		Acres
Section 1:	NW¼SE¼	10.0
	SW¼SE¼	19.0
Section 12:	NE¼NW¼	24.0
	SW¼NE¼	8.3
	SE¼NE¼	6.3
	NE¼SW¼	10.5
	SE¼SW¼	29.5
	NW¼SE¼	8.9
	NE¼SE¼	7.7
	SE¼SE¼	1.4
Section 13:	NE¼NE¼	10.0

Township 22 North, Range 52 West of the 6th P.M. in Scotts Bluff County		Acres
Section 7:	SW¼NW¼	3.7
	NW¼SW¼	8.3
	TOTAL	147.6

4. On February 26, 2010, the District and individual landowners filed in the Department Relinquishment of Water Appropriation In Part REL-1886 relinquishing the right to divert a portion of the water under appropriation A-768 to irrigate the 49.0 acres of land described below:

Township 22 North, Range 52 West of the 6th P.M. in Scotts Bluff County		Acres
Section 8:	SW¼NW¼	6.0
	SE¼NW¼	9.0
	SW¼NE¼	19.0
	SE¼NE¼	15.0
	TOTAL	49.0

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 in the amount of 2.11 cfs for use upon the 147.6 acres described below and shown on aerial photographs filed with REL-1864 is CANCELLED.

Township 22 North, Range 53 West of the 6th P.M. in Scotts Bluff County		Acres
Section 1:	NW¼SE¼	10.0
	SW¼SE¼	19.0
Section 12:	NE¼NW¼	24.0
	SW¼NE¼	8.3
	SE¼NE¼	6.3
	NE¼SW¼	10.5
	SE¼SW¼	29.5
	NW¼SE¼	8.9
	NE¼SE¼	7.7
	SE¼SE¼	1.4
Section 13:	NE¼NE¼	10.0

Township 22 North, Range 52 West of the 6th P.M. in Scotts Bluff County		Acres
Section 7:	SW¼NW¼	3.7
	NW¼SW¼	8.3
	TOTAL	147.6

2. Part of appropriation A-768 in the amount of 0.70 cfs for use upon the 49.0 acres described below and shown on aerial photographs filed with REL-1886 is CANCELLED.

Township 22 North, Range 52 West of the 6th P.M. in Scotts Bluff County		Acres
Section 8:	SW¼NW¼	6.0
	SE¼NW¼	9.0
	SW¼NE¼	19.0
	SE¼NE¼	15.0
	TOTAL	49.0

3. The Department acknowledges the Notification of Assignment of Rights, AOR-1865, filed by the District on January 22, 2010, to reassign a portion of the appropriation A-768 previously relinquished in the amount of 2.11 cfs to the 147.6 acres described below. The location of these lands is shown on the aerial photographs submitted with AOR-1865.

Township 22 North, Range 53 West of the 6th P.M. in Scotts Bluff County		Acres
Section 12:	NW¼NE¼	3.8
Section 13:	NW¼NW¼	26.4
	SW¼NW¼	26.2
	SE¼NW¼	26.2
	SW¼NE¼	32.1
	SE¼NE¼	32.9
	TOTAL	147.6

4. The Department acknowledges the Notification of Assignment of Rights, AOR-1885, filed by the District on February 26, 2010, to reassign a portion of the appropriation A-768 previously relinquished in the amount of 0.70 cfs to the 49.0 acres described below. The location of these lands is shown on the aerial photographs submitted with AOR-1885.

Township 21 North, Range 51 West of the 6th P.M. in Morrill County		Acres
Section 14:	NW¼SW¼	30.0
	SW¼SW¼	2.0
	SE¼SW¼	3.0

Township 22 North, Range 52 West of the 6th P.M. in Scotts Bluff County		Acres
Section 30:	NW¼NW¼	11.2
	SW¼NW¼	2.8
	TOTAL	49.0

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

April 29, 2010

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 April 29, 2010, to the following:

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

John Lawson
U.S. Bureau of Reclamation
P.O. Box 1630
Mills, Wyoming 82644