

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION 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 April 27, 2009, Relinquishment of Water Appropriation In Part REL-1669 was filed in the Department by the District and individual landowners relinquishing the right to divert water under appropriation A-768 to irrigate the 26.0 acres of land described below.

Township 24 North, Range 58 West of the 6 th P.M. in Sioux County	Acres
Section 35: SE¼NE¼	5.2
NE¼SE¼	<u>20.8</u>
TOTAL	26.0

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 in the amount of 0.37 cfs for use upon the 26.0 acres described below and shown on aerial photographs filed with REL-1669 is CANCELLED.

Township 24 North, Range 58 West of the 6 th P.M. in Sioux County	Acres
Section 35: SE¼NE¼	5.2
NE¼SE¼	<u>20.8</u>
TOTAL	26.0

2. The Department acknowledges the Notification of Assignment of Rights, AOR-1670, filed by the District on April 27, 2009, to reassign the 0.37 cfs from A-768 relinquished from the 26.0 acres described above to the 26.0 acres described below. The location of these lands is shown on the aerial photographs submitted with AOR-1670.

<u>Township 24 North, Range 58 West of the</u>		
<u>6th P.M. in Sioux County</u>		<u>Acres</u>
Section 1:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.7
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>10.3</u>
	TOTAL	26.0

3. 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.
4. All terms and conditions of appropriation A-768 remain in effect unless specifically changed by this Order.
5. 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.

