

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 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* (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 September 17, 2014, the District and individual landowners filed in the Department Relinquishment of Water Appropriation In Part REL-5153 relinquishing the right to divert water for irrigation of 128.0 acres under A-768.
5. On September 17, 2014, the District filed in the Department Notification of Assignment of Rights, AOR-5154, to assign a portion of the water appropriated under A-768 to irrigate 128.0 acres of land.

ORDER

IT IS HEREBY ORDERED:

- Part of appropriation A-768 for use upon the 128.0 acres described below and shown on aerial photographs filed with REL-5153 is CANCELLED.

<b>REL-5153</b>		<b>AOR-5154</b>	
Township 24 North, Range 58 West of the 6 <sup>th</sup> P.M. in Sioux County	Acres	Township 24 North, Range 58 West of the 6 <sup>th</sup> P.M. in Sioux County	Acres
Section 26: SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	20.0	Section 22: SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	1.7
		SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	1.7
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	24.2	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	35.8
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	41.0	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	35.4
Section 27: NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	29.0	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	27.9
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	<u>13.8</u>	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	<u>25.5</u>
TOTAL RELINQUISHED	128.0	TOTAL ASSIGNED	128.0

- The Department acknowledges the Notification of Assignment of Rights, AOR-5154, filed by the District on September 17, 2014, to assign the portion of A-768 relinquished by REL-5153 to the 128.0 acres described above and shown on aerial photographs submitted with AOR-5154.
- 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.
- All terms and conditions of appropriation A-768 remain in effect unless specifically changed by this Order.
- The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - 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.
  - Notify the Department of Natural Resources of any reassignment of relinquished portions of an appropriation.
  - Comply with all relevant notices and orders of the Department.

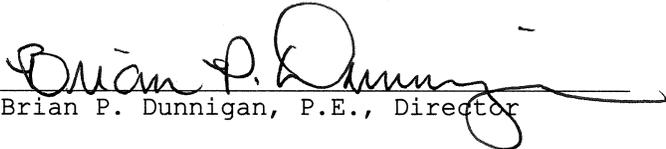
ADDITIONAL INFORMATION

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

October 28, 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 October 28, 2014, 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