

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 6th 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. On October 11, 2013, the District and individual landowners filed in the Department Relinquishment of Water Appropriation In Part REL-4839 relinquishing the right to divert a portion of the water under appropriation A-768 to irrigate the 7.7 acres of land described below:

Township 23 North, Range 58 West of the
6th P.M. in Scotts Bluff County Acres

Section 2:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	7.7

4. On October 11, 2013, the District filed in the Department a Notification of Assignment of Rights, AOR-4840, to assign the portion of the water under appropriation A-768 relinquished by REL-4839 to the land described below:

Township 23 North, Range 58 West of the
6th P.M. in Scotts Bluff County Acres

Section 2:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.7
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ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 in the amount of 0.11 cfs for use upon the 7.7 acres described below and shown on aerial photograph filed with REL-4839 is CANCELLED.

Township 23 North, Range 58 West of the
6th P.M. in Scotts Bluff County Acres

Section 2:	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.4
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>0.3</u>
	TOTAL	7.7

2. The Department acknowledges the Notifications of Assignment of Rights, AOR-4840 to assign a portion 0.11 cfs to the 7.7 acres described below. The location of these lands is shown on the aerial photograph submitted with AOR-4840.

Township 23 North, Range 58 West of the
6th P.M. in Scotts Bluff County Acres

Section 2:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.7
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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.

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

November 25, 2013


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 November 25, 2013, to the following:

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

Coleman Smith, Area Manager
U.S. Bureau of Reclamation
P.O. Box 1630
Mills, Wyoming 826