

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-10010

AND NOTIFICATION OF REASSIGNMENT REA-10011

OF WATER APPROPRIATION D-1025

WATER DIVISION 1-A

BACKGROUND

1. Water appropriation D-1025 with a priority date of April 4, 1890, authorizes the Pioneer Irrigation District (District) to divert 50.0 cubic feet per second (cfs) of water at a rate of one cfs for every seventy acres irrigated from the North Fork of the Republican River through the Haigler-Pioneer Canal at its headgate located in Section 02, Township 01 North, Range 43 West of the 6th P.M. in Yuma County, Colorado, for irrigation of 1,899.6 acres as summarized on **Attachment A**.
2. The appropriation is limited to 29 cfs measured at the Colorado - Nebraska state line.
3. On June 23, 2023, the District and individual landowners filed in the Department of Natural Resources (Department) Provisional Relinquishment PREL-10010 to provisionally relinquish the right to irrigate portions of land under appropriation D-1025 and Notification of Reassignment REA-10011 to reassign portions of the appropriation previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under appropriation D-1025 from the Republican River through the Haigler-Pioneer Canal for use upon the land described on **Attachment B** is CANCELLED.
2. The Department acknowledges REA-10011 to reassign a portion of water under appropriation D-1025 for use upon the land described on **Attachment B** as depicted on aerial images provided with application PREL-10010.
3. All terms and conditions of previous orders for appropriations D-1025 remain in effect unless specifically changed by this Order.
4. A list of land entitled to irrigation from the North Fork of the Republican River through the Haigler-Pioneer Canal is described on **Attachment C**.
5. A summary of the appropriations acres and grants as a result of the District's filings in the Department before and after this Order, and the portions of the appropriation that are available for future reassignment or transfer are summarized in **Attachment D**.
6. **Attachments B, C and D** are hereby made a part of this Order.

7. Pursuant to Neb. Rev. Stat. § 46-229.04(5) the District may assign, within 5 years of the Order of Cancellation by the Department, the relinquished portion of an appropriation.
8. 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



July 17, 2023

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's field office in Bridgeport, Nebraska and mailed to the following:

R. Steven Akey, President
Pioneer Irrigation District
PO Box 160
Haigler, Nebraska 69030

Confluence Farms LLC
PO Box 406
Wray, Colorado 80758

ATTACHMENT A
Pioneer Irrigation District

**The Following is a Summary of Pioneer Irrigation District's
Surface Water Appropriation Prior to this Order:**

Appropriation Number	Priority Date	Source	Use	Acres	Grant ¹	Available for Assignment	
						Acres	Grant
D-1025	4/4/1890	North Fork Republican River	IR ²	1,899.6	50.00	-	-

¹Grant = cubic feet per second

²IR = Irrigation from natural flow

Attachment B
Haigler-Pioneer Canal
Provisional Relinquishments and
Reassignments for
Appropriation D-1025

Pioneer Irrigation District Provisional Relinquishment PREL-10010 of Appropriation D-1025 (932)		
Legal Description	County	Acres
SE SW S24 T01N-R42W	Dundy	3.0
SE SE S24 T01N-R42W	Dundy	4.0
NW SW S19 T01N-R41W	Dundy	0.4
Total		7.4

Pioneer Irrigation District Reassignment of Acres REA-10011 of Appropriation D-1025 (932)		
Legal Description	County	Acres
SW SW S19 T01N-R41W	Dundy	4.5
SE SW S19 T01N-R41W	Dundy	2.9
Total		7.4

Attachment C
Pioneer Irrigation District
Lands Entitled to Surface Water Under
Appropriation D-1025 (932)

Legal Description	County	Acres
T01N-R42W		
LOT04 S10 T01N-R42W	Dundy	8.0
SW SE S10 T01N-R42W	Dundy	1.0
SW NW S13 T01N-R42W	Dundy	17.0
SE NW S13 T01N-R42W	Dundy	1.0
NW SW S13 T01N-R42W	Dundy	32.0
NE SW S13 T01N-R42W	Dundy	20.0
SW SW S13 T01N-R42W	Dundy	29.0
SE SW S13 T01N-R42W	Dundy	38.6
NW SE S13 T01N-R42W	Dundy	4.0
SW SE S13 T01N-R42W	Dundy	30.0
SE SE S13 T01N-R42W	Dundy	8.0
NW NW S14 T01N-R42W	Dundy	17.0
NE NW S14 T01N-R42W	Dundy	13.6
SW NW S14 T01N-R42W	Dundy	35.5
SE NW S14 T01N-R42W	Dundy	34.3
NW NE S14 T01N-R42W	Dundy	15.0
NE NE S14 T01N-R42W	Dundy	12.0
SW NE S14 T01N-R42W	Dundy	34.0
SE NE S14 T01N-R42W	Dundy	27.0
NW SW S14 T01N-R42W	Dundy	22.6
NE SW S14 T01N-R42W	Dundy	9.2
NW SE S14 T01N-R42W	Dundy	30.0
NE SE S14 T01N-R42W	Dundy	37.0
SW SE S14 T01N-R42W	Dundy	3.0
SE SE S14 T01N-R42W	Dundy	20.0
LOT01 S15 T01N-R42W	Dundy	16.0
LOT02 S15 T01N-R42W	Dundy	1.0
NW NE S15 T01N-R42W	Dundy	39.0
NE NE S15 T01N-R42W	Dundy	19.0
SW NE S15 T01N-R42W	Dundy	6.0
SE NE S15 T01N-R42W	Dundy	25.0
NE SE S15 T01N-R42W	Dundy	15.4
NE NW S24 T01N-R42W	Dundy	21.0
NW NE S24 T01N-R42W	Dundy	39.0
NE NE S24 T01N-R42W	Dundy	38.0
SW NE S24 T01N-R42W	Dundy	8.0
SE NE S24 T01N-R42W	Dundy	33.0
SE SW S24 T01N-R42W	Dundy	15.0
NE SE S24 T01N-R42W	Dundy	4.0
SW SE S24 T01N-R42W	Dundy	1.0
NW NW S25 T01N-R42W	Dundy	8.2
NE NW S25 T01N-R42W	Dundy	28.1
SW NW S25 T01N-R42W	Dundy	3.2
SE NW S25 T01N-R42W	Dundy	32.0
NW NE S25 T01N-R42W	Dundy	17.3
NE NE S25 T01N-R42W	Dundy	17.4
SW NE S25 T01N-R42W	Dundy	26.2

Legal Description	County	Acres
SE NE S25 T01N-R42W	Dundy	32.8
NE SW S25 T01N-R42W	Dundy	2.0
SE SW S25 T01N-R42W	Dundy	20.1
NW SE S25 T01N-R42W	Dundy	28.5
NE SE S25 T01N-R42W	Dundy	39.5
SW SE S25 T01N-R42W	Dundy	26.6
SE SE S25 T01N-R42W	Dundy	25.4
NW NE S36 T01N-R42W	Dundy	11.0
NE NE S36 T01N-R42W	Dundy	38.0
SW NE S36 T01N-R42W	Dundy	24.0
SE NE S36 T01N-R42W	Dundy	25.0
T01N-R41W		
NW NW S19 T01N-R41W	Dundy	19.1
NE NW S19 T01N-R41W	Dundy	4.4
SW NW S19 T01N-R41W	Dundy	28.5
SE NW S19 T01N-R41W	Dundy	31.1
SW NE S19 T01N-R41W	Dundy	21.8
SE NE S19 T01N-R41W	Dundy	8.3
NW SW S19 T01N-R41W	Dundy	18.2
NE SW S19 T01N-R41W	Dundy	33.2
SW SW S19 T01N-R41W	Dundy	29.6
SE SW S19 T01N-R41W	Dundy	33.6
NW SE S19 T01N-R41W	Dundy	21.8
NE SE S19 T01N-R41W	Dundy	17.1
SW SE S19 T01N-R41W	Dundy	20.3
SE SE S19 T01N-R41W	Dundy	30.0
NW NW S30 T01N-R41W	Dundy	27.2
NE NW S30 T01N-R41W	Dundy	33.2
SW NW S30 T01N-R41W	Dundy	30.0
SE NW S30 T01N-R41W	Dundy	37.4
NW NE S30 T01N-R41W	Dundy	28.1
NE NE S30 T01N-R41W	Dundy	33.0
SW NE S30 T01N-R41W	Dundy	31.8
SE NE S30 T01N-R41W	Dundy	33.3
NW SW S30 T01N-R41W	Dundy	31.6
NE SW S30 T01N-R41W	Dundy	35.7
SW SW S30 T01N-R41W	Dundy	22.0
SE SW S30 T01N-R41W	Dundy	12.9
NW SE S30 T01N-R41W	Dundy	19.7
NE SE S30 T01N-R41W	Dundy	12.2
NW NW S31 T01N-R41W	Dundy	10.0
Total		1,899.6

Attachment D
Pioneer Irrigation District
Haigler-Pioneer Canal
As of Order dated July 17, 2023

The following is a summary of the appropriations' acres and grants as a result of Pioneer Irrigation District's filings PREL-10010 and REA-10011 in the Department of Natural Resources before and after the attached Order:

Appropriation Number	Use	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Relinquished in this Order		Amount Assigned in this Order		Available for Assignment After this Order		Appurtenant Portion Effective This Order	
		Acres	Grant ¹	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant
D-1025	IR ²	1,899.6	50.00	-	-	7.4	0.11	7.4	0.11	-	-	1,899.6	50.00

¹ grant = cubic feet per second

² Irrigation from natural flow