

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-10025

AND NOTIFICATION OF REASSIGNMENT REA-10026

OF WATER APPROPRIATION A-365R (P-270)

WATER DIVISION 1-A

BACKGROUND

1. Water appropriation A-365R (P-270) with a priority date of March 15, 1897, authorizes the Gering Irrigation District (District) to divert 192.56 cubic feet per second (cfs) of water at a rate of one cfs for every seventy acres irrigated from the North Platte River through the Mitchell-Gering Canal at its headgate located in Section 10, Township 23 North, Range 60 West of the 6<sup>th</sup> P.M. in Goshen County, Wyoming, for irrigation of 13,468.9 acres.
2. On April 11, 2024, the District and individual landowners filed in the Department of Natural Resources (Department) Provisional Relinquishment PREL-10025 to provisionally relinquish the right to irrigate portions of land under appropriation A-365R (P-270) and Notification of Reassignment REA-10026 to reassign portions of the appropriation previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under A-365R (P-270) from the North Platte River through the Mitchell-Gering Canal for use upon the land described in **Attachment A** is CANCELLED.
2. The Department acknowledges REA-10026 to reassign a portion of water under A-365R (P-270) for use upon the land described on **Attachment A** and shown on map number 21407.
3. The land depicted on map number 21407 only represents the change of location of acres under appropriation A-365R (P-270) through relinquishment PREL-10025 and reassignment REA-10026.

4. The following is a summary of A-365R (P-270) as a result of the District's filings in the Department before and after this Order:

Appropriation Number	Appurtenant Portion Prior to this Order		Available for Assignment Prior to this Order		Amount Relinquished in this Order		Amount Assigned in this Order		Total Available for Assignment after this Order	
	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant	Acres	Grant
A-365R(P-270)	13,468.9	192.56	1.35	0.02	144.9	2.07	144.9	2.07	1.35	0.02

5. All terms and conditions of previous orders for appropriation A-365R (P-270) remain in effect unless specifically changed by this Order.
6. 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.
7. **Attachment A**, and map number 21407 are hereby made a part of this Order.
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



Thomas E. Riley, P.E., Director

April 23, 2024

Copies of this Order and Attachment A were posted on the Department's website. Copies of this Order, Attachment A, and map number 21407 were provided to the Department's field office in Bridgeport, Nebraska and mailed to the following:

Ted Roth, President  
Gering Irrigation District  
981 Rundell Road  
Gering, Nebraska 69341

U.S. Bureau of Reclamation  
c/o Lyle Myler  
P.O. Box 1630  
Mills, Wyoming 82644

## Attachment A

<b>Gering Irrigation District Provisional Relinquishment PREL-10025 for A-365R (38)</b>		
<b>Legal Description</b>	<b>County</b>	<b>Acres</b>
NE SW S11 T21N-R55W	Scotts Bluff	6.50
SW SW S11 T21N-R55W	Scotts Bluff	3.80
SE SW S11 T21N-R55W	Scotts Bluff	39.00
NE NE S12 T21N-R55W	Scotts Bluff	7.60
SE NE S12 T21N-R55W	Scotts Bluff	0.10
NE NW S06 T21N-R54W	Scotts Bluff	1.50
NW SW S06 T21N-R54W	Scotts Bluff	13.90
NE SW S06 T21N-R54W	Scotts Bluff	17.80
SW SW S06 T21N-R54W	Scotts Bluff	19.80
SE SW S06 T21N-R54W	Scotts Bluff	20.00
NW SW S17 T21N-R54W	Scotts Bluff	5.40
NE SW S17 T21N-R54W	Scotts Bluff	2.50
SW SW S17 T21N-R54W	Scotts Bluff	3.50
SE SW S17 T21N-R54W	Scotts Bluff	3.50
	<b>Total</b>	<b>144.90</b>

<b>Gering Irrigation District Reassignment of Acres REA-10026 for A-365R (38)</b>		
<b>Legal Description</b>	<b>County</b>	<b>Acres</b>
NW SW S04 T20N-R54W	Scotts Bluff	32.50
NE SW S04 T20N-R54W	Scotts Bluff	29.20
SW SW S04 T20N-R54W	Scotts Bluff	7.30
SE SW S04 T20N-R54W	Scotts Bluff	19.50
NW SE S04 T20N-R54W	Scotts Bluff	33.20
NE SE S04 T20N-R54W	Scotts Bluff	1.80
SW SE S04 T20N-R54W	Scotts Bluff	19.70
SE SE S04 T20N-R54W	Scotts Bluff	1.70
	<b>Total</b>	<b>144.90</b>