

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-10078

AND NOTIFICATION OF REASSIGNMENT REA-10079

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 6th P.M. in Goshen County, Wyoming, for irrigation of 13,468.9 acres.
2. On March 11, 2024, the District and individual landowners filed in the Department of Natural Resources (Department) Provisional Relinquishment PREL-10078 to provisionally relinquish the right to irrigate portions of land under appropriation A-365R (P-270) and Notification of Reassignment REA-10079 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-10079 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 21393.
3. The land depicted on map number 21393 only represents the change of location of acres under appropriation A-365R (P-270) through relinquishment PREL-10078 and reassignment REA-10079.

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	92.53	1.32	92.53	1.32	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 21393 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 2, 2024

Copies of this Order and Attachment A were posted on the Department's website. Copies of this Order, Attachment A, and map number 21393 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

Gering Irrigation District Provisional Relinquishment PREL-10078 for A-365R (38)		
Legal Description	County	Acres
NE SW S11 T21N-R55W	Scotts Bluff	1.60
SE NE S11 T21N-R55W	Scotts Bluff	1.10
NE SE S11 T21N-R55W	Scotts Bluff	21.60
SW NW S14 T21N-R55W	Scotts Bluff	1.80
NW SW S14 T21N-R55W	Scotts Bluff	2.60
SE NE S15 T21N-R55W	Scotts Bluff	0.20
NE NW S06 T21N-R54W	Scotts Bluff	1.80
SE NW S06 T21N-R54W	Scotts Bluff	20.30
NW SW S06 T21N-R54W	Scotts Bluff	0.30
NE SW S06 T21N-R54W	Scotts Bluff	9.80
NW NW S07 T21N-R54W	Scotts Bluff	9.70
NW NE S04 T20N-R54W	Scotts Bluff	12.34
SW NE S04 T20N-R54W	Scotts Bluff	7.89
NE NE S05 T20N-R54W	Scotts Bluff	0.10
SE NE S05 T20N-R54W	Scotts Bluff	1.40
Total		92.53

Gering Irrigation District Reassignment of Acres REA-10079 for A-365R (38)		
Legal Description	County	Acres
NW NE S05 T20N-R54W	Scotts Bluff	22.50
NE NE S05 T20N-R54W	Scotts Bluff	14.30
SW NE S05 T20N-R54W	Scotts Bluff	20.23
SE NE S05 T20N-R54W	Scotts Bluff	21.20
NW SE S05 T20N-R54W	Scotts Bluff	6.60
NE SE S05 T20N-R54W	Scotts Bluff	7.70
Total		92.53