

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-8967

AND NOTIFICATION OF REASSIGNMENT REA-8968

OF WATER APPROPRIATION A-768

WATER DIVISION 1-A

BACKGROUND

1. 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 amount of water that may be diverted is one cubic foot per second (cfs) for every 70 acres irrigated, at a maximum rate of 1,572.0 cfs.
2. On May 18, 2020, the District and individual landowners filed in the Department Provisional Relinquishment PREL-8967 to provisionally relinquish the right to irrigate portions of land under appropriation A-768.
3. On May 20, 2020, the District, filed Notification of Reassignment REA-8968 to reassign portions of appropriation A-768 previously relinquished.

ORDER

IT IS HEREBY ORDERED:

1. A portion of the water under A-768 from the North Platte River through the Interstate Canal provisionally relinquished in PREL-8967 is CANCELLED.
2. The Department acknowledges REA-8968 to reassign a portion of water under A-768 for use upon the land described in **Attachment A** as shown on map number 20551.
3. The right to divert 1,572.0 cfs from the North Platte River to irrigate the 110,040 acres of land under A-768 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 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. 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.

6. **Attachment A** is hereby made a part of this Order.
7. 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.

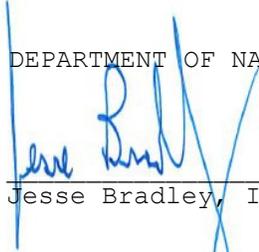
ADDITIONAL INFORMATION

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 10, 2020

  
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Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 20551 were provided to the Department's field office in Bridgeport, Nebraska and mailed on July 10, 2020, to the following:

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

U.S. Bureau of Reclamation  
c/o Carlie A. Ronca  
P.O. Box 1630  
Mills, Wyoming 82644

**ATTACHMENT A**  
**Pathfinder Irrigation District**  
**Land Listing of PREL-8967 and REA-8968**

**A-768 (Right ID 32 & 33)**

Legal Description	County	PREL-8967	REA-8968
<b>T24N-R57W</b>			
SE SW S05-T24N-R57W	Sioux	2.0	
SW SE S05-T24N-R57W	Sioux	1.8	
SE SE S05-T24N-R57W	Sioux	3.4	
NW NE S08-T24N-R57W	Sioux	6.3	
NE NE S08-T24N-R57W	Sioux	16.6	
SW NE S08-T24N-R57W	Sioux	7.5	
NW NW S16-T24N-R57W	Sioux		10.9
NE NW S16-T24N-R57W	Sioux		40.0
SE NW S16-T24N-R57W	Sioux		6.9
NW NE S16-T24N-R57W	Sioux		39.0
NE NE S16-T24N-R57W	Sioux		4.5
SW NE S16-T24N-R57W	Sioux	1.0	6.7
NW SW S16-T24N-R57W	Sioux	3.8	
NE SW S16-T24N-R57W	Sioux	1.6	
SW SW S16-T24N-R57W	Sioux	5.0	
SE SW S16-T24N-R57W	Sioux	2.5	
NW SE S16-T24N-R57W	Sioux	2.6	
SW SE S16-T24N-R57W	Sioux	11.5	
SE SE S17-T24N-R57W	Sioux	8.6	
NW NW S20-T24N-R57W	Sioux	7.6	
NE NW S20-T24N-R57W	Sioux	6.2	
SW NW S20-T24N-R57W	Sioux	7.9	
SE NW S20-T24N-R57W	Sioux	12.1	
<b>Total</b>		<b>108.0</b>	<b>108.0</b>