

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9397

AND NOTIFICATION OF REASSIGNMENT REA-9398

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 June 21, 2021, the District and individual landowners filed in the Department of Natural Resources (Department) Provisional Relinquishment PREL-9397 to provisionally relinquish the right to irrigate portions of land under appropriation A-365R (P-270).
3. On June 21, 2021, the District filed Notification of Reassignment REA-9398 to reassign portions of appropriation A-365R (P-270) 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-9398 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 20800.
3. The land depicted on map number 20800 only represents the change of location of acres under appropriation A-365R (P-270) through relinquishment PREL-9397 and reassignment REA-9398.

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 ¹	Acres	Grant ¹	Acres	Grant ¹	Acres	Grant
A-365R(P-270)	13,468.9	192.56	1.35	0.02	68.00	0.97	68.00	0.97	1.35	0.02

5. All terms and conditions of previous orders for appropriation A-365R 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 20800 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

September 28, 2021

Copies of this Order and Attachment A were posted on the Department's website. Copies of this Order, Attachment A, and map number 20800 were provided to the Department's field office in Bridgeport, Nebraska and mailed on September 28, 2021, to the following:

Melvin Knaub, President
Gering Irrigation District
981 Rundell Road
Gering, Nebraska 69341

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

ATTACHMENT A
Gering Irrigation District
Land Listing of PREL-9397 and REA-9398

A-365R (RightID 38)

Legal Description	County	PREL-9397	REA-9398
NW SW S23 T21N-R54W	Scotts Bluff	0.0	6.5
NE SW S23 T21N-R54W	Scotts Bluff	0.0	4.5
SW SW S23 T21N-R54W	Scotts Bluff	0.0	6.0
SE SW S23 T21N-R54W	Scotts Bluff	0.0	5.0
NW NE S26 T21N-R54W	Scotts Bluff	10.0	0.0
NE NE S26 T21N-R54W	Scotts Bluff	38.0	0.0
SW SE S26 T21N-R54W	Scotts Bluff	2.0	0.0
SE SE S26 T21N-R54W	Scotts Bluff	18.0	0.0
NW NW S34 T21N-R54W	Scotts Bluff	0.0	26.0
SW NW S34 T21N-R54W	Scotts Bluff	0.0	8.5
NW SW S34 T21N-R54W	Scotts Bluff	0.0	5.0
NE SW S34 T21N-R54W	Scotts Bluff	0.0	2.0
SW SW S34 T21N-R54W	Scotts Bluff	0.0	4.5
Total		68.0	68.0