

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PROVISIONAL RELINQUISHMENT (CANCELLATION) PREL-9611

AND NOTIFICATION OF REASSIGNMENT REA-9612

OF WATER APPROPRIATION A-768

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-768 is held by the Pathfinder Irrigation District (District).
2. 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 6th P.M. in Wyoming.
3. On March 14, 2022, the District and individual landowners filed in the Department Provisional Relinquishment PREL-9611 to provisionally relinquish the right to irrigate portions of land under appropriation A-768 and Notification of Reassignment REA-9612 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-9611 is CANCELLED.
2. The Department acknowledges REA-9612 to reassign a portion of water under A-768 for use upon the land described in **Attachment A** as shown on map number 21007.
3. The right to divert natural flow and storage water 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 6th 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



June 1, 2022

Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21007 were provided to the Department's field office in Bridgeport, Nebraska and mailed 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-9611 and REA-9612

A-768 (Right ID 32 & 33)

Legal Description	County	PREL-9611 Acres Out	REA-9612 Acres In
T23N-R55W			
NW NW S05-T23N-R55W	Scotts Bluff		32.8
NE NW S05-T23N-R55W	Scotts Bluff		35.5
SW NW S05-T23N-R55W	Scotts Bluff		5.8
SE NW S05-T23N-R55W	Scotts Bluff		7.7
NE NE S06-T23N-R55W	Scotts Bluff		4.4
SE NW S13-T23N-R55W	Scotts Bluff	5.0	
SW NE S13-T23N-R55W	Scotts Bluff	6.2	
SE NE S13-T23N-R55W	Scotts Bluff	8.5	
NE SW S13-T23N-R55W	Scotts Bluff	2.8	
SE SW S13-T23N-R55W	Scotts Bluff	8.5	
NW SE S13-T23N-R55W	Scotts Bluff	9.7	
NE SE S13-T23N-R55W	Scotts Bluff	1.0	
SW SE S13-T23N-R55W	Scotts Bluff	1.0	
SE SE S13-T23N-R55W	Scotts Bluff	2.0	
NW SW S23-T23N-R55W	Scotts Bluff	16.0	
NE SW S23-T23N-R55W	Scotts Bluff	1.7	
SW SW S23-T23N-R55W	Scotts Bluff	7.0	
SE SW S23-T23N-R55W	Scotts Bluff	11.1	
NW SE S23-T23N-R55W	Scotts Bluff	16.0	
NE SE S23-T23N-R55W	Scotts Bluff	6.0	
T24N-R55W			
SE SE S31-T24N-R55W	Sioux		4.5
SW SW S32-T24N-R55W	Sioux		5.9
SE SW S32-T24N-R55W	Sioux		5.9
Total		102.5	102.5