

Township 21 North, Range 55 West of the
6th P.M. in Scotts Bluff County Acres

Section 17:	NW ¹ / ₄ SW ¹ / ₄	5.9
	NE ¹ / ₄ SW ¹ / ₄	6.5
	SW ¹ / ₄ SW ¹ / ₄	3.1
	SE ¹ / ₄ SW ¹ / ₄	7.3
Section 31:	NE ¹ / ₄ NW ¹ / ₄	7.4
	NW ¹ / ₄ NE ¹ / ₄	0.1
	SW ¹ / ₄ NE ¹ / ₄	0.2
	NE ¹ / ₄ SE ¹ / ₄	8.2
Section 32:	NE ¹ / ₄ SW ¹ / ₄	6.0
	SE ¹ / ₄ SW ¹ / ₄	8.0
Section 35:	NW ¹ / ₄ NW ¹ / ₄	8.9
	NE ¹ / ₄ NW ¹ / ₄	0.6
	SW ¹ / ₄ NW ¹ / ₄	2.6
	SE ¹ / ₄ NW ¹ / ₄	0.4

Township 21 North, Range 54 West of the
6th P.M. in Scotts Bluff County Acres

Section 31:	NW ¹ / ₄ NW ¹ / ₄	27.0
	NE ¹ / ₄ NW ¹ / ₄	39.0
	SE ¹ / ₄ NW ¹ / ₄	<u>10.0</u>
	TOTAL	301.0

3. The list of land approved for irrigation from the latest Order dated November 2, 2007, and map number 15154, contain an error. The listing of acres approved for irrigation under A-768 in the E¹/₂NE¹/₄ of Section 3, Township 21 North, Range 55 West of the 6th P.M. in Scotts Bluff County, are as follows:

ORIGINAL LISTING		
Township 21 North, Range 55 West of the 6 th P.M. in Scotts Bluff County <u>Acres</u>		
Section 3:	NE ¹ / ₄ NE ¹ / ₄	21.0
	SE ¹ / ₄ NE ¹ / ₄	<u>12.7</u>
	TOTAL	33.7

It was discovered that the boundary between the forties that had been used to calculate the acres in each was incorrectly depicted. The total number of irrigated acres in the E¹/₂NE¹/₄ of the section in question is correct, but the acres listed in each quarter-quarter section was not. The correct number of acres approved for irrigation is as follows:

CORRECTED LISTING		
Township 21 North, Range 55 West of the 6 th P.M. in Scotts Bluff County <u>Acres</u>		
Section 3:	NE ¹ / ₄ NE ¹ / ₄	15.8
	SE ¹ / ₄ NE ¹ / ₄	<u>17.9</u>
	TOTAL	33.7

4. On November 9, 2009, the District filed Notification of Assignment of Rights, AOR-1820, to reassign the portion of appropriation A-768, previously relinquished, to the land described below. The location of these lands is shown on the aerial photographs submitted with AOR-1820.

Township 22 North, Range 58 West of the
6th P.M. in Scotts Bluff County Acres

Section 10: NW¹/₄SE¹/₄ 28.8
NE¹/₄SE¹/₄ 4.3
SE¹/₄SE¹/₄ 1.0

Section 21: NW¹/₄NE¹/₄ 12.3
SW¹/₄NE¹/₄ 4.5
SE¹/₄NE¹/₄ 0.6

NW¹/₄SE¹/₄ 2.5
NE¹/₄SE¹/₄ 0.9
SW¹/₄SE¹/₄ 14.0

Township 22 North, Range 57 West of the
6th P.M. in Scotts Bluff County Acres

Section 5: SE¹/₄NW¹/₄ 1.6

Section 24: NW¹/₄SW¹/₄ 7.1
NE¹/₄SW¹/₄ 5.0
SW¹/₄SW¹/₄ 27.7
SE¹/₄SW¹/₄ 20.1

Township 22 North, Range 56 West of the
6th P.M. in Scotts Bluff County Acres

Section 25: NW¹/₄NE¹/₄ 1.4

NW¹/₄SW¹/₄ 8.7
SW¹/₄SW¹/₄ 1.1

Township 21 North, Range 56 West of the
6th P.M. in Scotts Bluff County Acres

Section 11: NW¹/₄NE¹/₄ 0.2
NE¹/₄NE¹/₄ 4.3
SW¹/₄NE¹/₄ 5.5

Township 22 North, Range 55 West of the
6th P.M. in Scotts Bluff County Acres

Section 31: NE¹/₄SE¹/₄ 3.0
SW¹/₄SE¹/₄ 1.3
SE¹/₄SE¹/₄ 2.5

Township 21 North, Range 55 West of the
6th P.M. in Scotts Bluff County Acres

Section 9: SE¹/₄SE¹/₄ 3.3

Section 10: SW¹/₄SW¹/₄ 8.0

Township 21 North, Range 55 West of the
6th P.M. in Scotts Bluff County Acres

Section 17:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.3
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.9
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	1.9
Section 35:	SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.9

Township 21 North, Range 54 West of the
6th P.M. in Scotts Bluff County Acres

Section 31:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.4
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	4.3
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.2
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.7
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34.4
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	27.4
	TOTAL	301.0

Order

It is therefore ORDERED that:

1. Based on the Relinquishment of Water Appropriation In Part REL-1819, part of appropriation A-768 in the amount of 4.30 cfs for the right to irrigate the 301.0 acres described in paragraph 2 above is CANCELLED. The location of these lands is shown on the aerial photographs submitted with REL-1819.
2. The Department acknowledges the Notification of Assignment -of Rights, AOR-1820, filed by the District on November 9, 2009, to reassign the 4.30 cfs of appropriation A-768 relinquished from the 301.0 acres described in paragraph 2 (REL-1819) above to the 301.0 acres described in paragraph 4 above (AOR-1820). The location of these lands is shown on the aerial photographs submitted with AOR-1820.
3. The right to divert 780.59 cubic feet per second (cfs) of water, under appropriation A-768, from the North Platte River via the Fort Laramie Canal for use upon 54,641 acres shall remain IN FULL FORCE AND EFFECT.
4. Land entitled to irrigation from the North Platte River and Pathfinder Reservoir via the Fort Laramie Canal are described on the Attachment which is made a part of this Order.
5. All terms and conditions of appropriation A-768 remain in effect unless specifically changed by this Order.

6. 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.

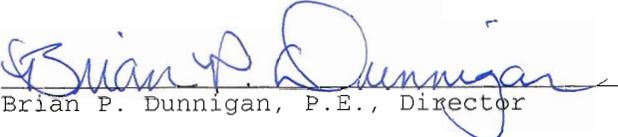
Additional Information

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

December 15, 2009


Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

Copies of this Order and the Attachment were posted on the Department's website and provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and the Attachment were mailed on December 15, 2009, to the following:

Rick Preston, Manager
Gering-Fort Laramie Irrigation District
1011 Rundell Road, P.O. Box 541
Gering, Nebraska 69341-0541

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