STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF PARTIAL CANCELLATION OF WATER APPROPRIATION A-768

WATER DIVISION 1-A

Background

1. 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 NE¼NW¼ of Section 11, Township 26 North, Range 65 West of the 6th 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.

3. On May 23, 2008, Relinquishment of Water Appropriation In Part REL-1501 was filed in the Department by the District and individual landowners relinquishing the right to divert water under appropriation A-768 to irrigate the 19.0 acres of land described below.

| Township 23 North, Range 56 West of the 6th P.M. in Scotts Bluff County | | Acres |
|---|---|---|
| Section 4: | SW¼SW¼ | 19.0 |

Order

IT IS HEREBY ORDERED:

1. Part of appropriation A-768 in the amount of 0.27 cfs for use upon the 19.0 acres described below and shown on aerial photographs filed with REL-1501 is CANCELLED.

| Township 23 North, Range 56 West of the 6th P.M. in Scotts Bluff County | | Acres |
|---|---|---|
| Section 4: | SW¼SW¼ | 19.0 |

2. The Department acknowledges the Notification of Assignment of Rights, AOR-1500, filed by the District on May 23, 2008, to reassign the 0.27 cfs from A-768 relinquished from the 19 acres described above to the 19 acres described below. The location of these lands is shown on the aerial photographs submitted with AOR-1500.

| Township 24 North, Range 58 West of the 6th P.M. in Sioux County | | Acres |
|---|---|---|
| Section 1: | NW¼NE¼ | 18.6 |
| | NE¼NE¼ | 0.4 |
| | TOTAL | 19.0 |

3. The right to divert 1,572.0 cfs from the North Platte River under A-768 via the Interstate Canal for use upon 110,040.0 acres 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. 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

January 14 , 2009

/s/
Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on January _____, 2009, to the following:

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

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