

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12788

AND APPROVAL OF MAP NUMBER 19546

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12788 is held by McGowan Brothers.
2. The Department has received information that McGowan Brothers no longer owns the land appurtenant to A-12788. Land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 09 North, Range 03 West of the 6th P.M. is owned by Lawrence and Mary Jo McGowan; the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 of said legal description is owned by James McGowan.
3. Appropriation A-12788 has a priority date of January 12, 1973, and authorizes the use of water for irrigation of the 60.5 acres of land described below. The water may be diverted from a tributary to the West Fork of the Big Blue River (Galaway Creek) at points of diversion located on the right bank of the stream in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15 and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, both in Township 09 North, Range 03 West of the 6th P.M. in York County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum combined rate of 0.86 cfs from all points of diversion.

Township 09 North, Range 03 West of the 6 th P.M. in York County	Acres
Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$	18.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$	17.2
Section 16: NE $\frac{1}{4}$ SE $\frac{1}{4}$	25.0
TOTAL	60.5

4. On May 4, 2016, Lawrence and Mary Jo McGowan filed relinquishment REL-5654, relinquishing the right to divert water under a portion of appropriation A-12788 to irrigate the 35.5 acres of land described below.

Township 09 North, Range 03 West of the 6 th P.M. in York County	Acres
Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$	18.3
SE $\frac{1}{4}$ NW $\frac{1}{4}$	17.2
TOTAL	35.5

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 more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

May 20, 2016


Gordon W. Fassett, P.E., Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19546 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 19546 were mailed on May 20, 2016, to the following:

Lawrence and Mary Jo McGowan
P.O. Box 181
McCool Junction, NE 68401

James McGowan
1213 Road 4
McCool Junction, NE 68401