

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-12070

AND APPROVAL OF MAP NUMBER 21256

WATER DIVISION 2-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12070 is held by Kent Douglas Ritthaler and Seth M. and Bailey M. Johnson.
2. Appropriation A-12070 has a priority date of September 2, 1970, and authorizes the use of water for irrigation of the 40 acres of land described below. The water may be diverted from the Platte River at a point of diversion located on the right bank of the stream in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, Township 17 North, Range 07 East of the 6<sup>th</sup> P.M. in Saunders County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.57 cfs. The total annual volume may not exceed 3 acre-feet per acre of land on which water is actually and beneficially applied.

Township 17 North, Range 07 East of the 6 <sup>th</sup> P.M. in Saunders County	Acres
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Section 21: NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
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3. The Department has received information concerning the use of surface water appropriation A-12070 and determined that the appropriation has not been used for irrigation purposes for more than five consecutive years as required under Nebraska law. At this time, the Department knows of no reason that constitutes sufficient cause for nonuse under Neb. Rev. Stat. § 46-229.04
4. On April 24, 2023, Kent Douglas Ritthaler filed relinquishment REL-9951, relinquishing the right to divert water under a portion of appropriation A-12070 to irrigate the 25 acres of land described below.

Township 17 North, Range 07 East of the 6 <sup>th</sup> P.M. in Saunders County	Acres
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Section 21: NE $\frac{1}{4}$ SW $\frac{1}{4}$	25
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5. Upon completion of this Order of Cancellation for the preceding portion of land authorized for irrigation under A-12070, the Department will issue a Notice of Preliminary Determination of Nonuse (PDNU) for the remaining appurtenant land owned by Seth M. and Bailey M. Johnson in accordance with Neb. Rev. Stat. § 46-229.02

ORDER

IT IS HEREBY ORDERED:

1. Part of appropriation A-12070 at the rate of 0.36 cfs for use upon the 25 acres of land described above is CANCELLED.
2. The Department will initiate formal cancellation proceedings by issuing a PDNU on the remaining acres appurtenant to appropriation A-12070 owned by Seth M. and Bailey M. Johnson, which are depicted on map number 21256 and made a part of this Order of Cancellation. The associated point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, Township 17 North, Range 07 East of the 6<sup>th</sup> P.M. in Saunders County, as depicted on map number 21256. The original application was approved at a ratio of one cfs for every 70 acres irrigated. The rate associated with the acres listed below is 0.21 cfs, which is the amount subject to cancellation for nonuse.

Township 17 North, Range 07 East of the  
6<sup>th</sup> P.M. in Saunders County Acres

Section 21: NE $\frac{1}{4}$ SW $\frac{1}{4}$  15

DEPARTMENT OF NATURAL RESOURCES



Thomas E. Riley, P.E., Director

August 3, 2023

A copy of this Order was posted on the Department's website. Copies of this Order and map number 21256 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 21256 were mailed to the following:

Kent Douglas Ritthaler  
2538 County Road 13  
Fremont, Nebraska 68025

Seth M. and Bailey M. Johnson  
307 North 3<sup>rd</sup> Street  
P.O. Box 155  
Colon, Nebraska 68018