

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12070

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 Seth M. and Bailey M. Johnson.
2. Appropriation A-12070 with a priority date of September 2, 1970, authorizes the use of water for irrigation of the 15 acres of land described below. The water may be diverted from 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. The rate that water may be diverted shall not exceed one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.21 cfs.

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

Section 21: NE $\frac{1}{4}$ SW $\frac{1}{4}$	15
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3. The Department has received information concerning the use of surface water appropriation A-12070 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On August 30, 2023, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12070. The Notice was delivered by certified mail to Seth M. and Bailey M. Johnson, 307 North 3<sup>rd</sup> Street, P.O. Box 155, Colon, Nebraska 68018.
5. On October 2, 2023, the Notice was returned to the Department unclaimed, unable to forward.
6. On October 13, 2023, Tim Hannan, Deputy Sheriff of Saunders County, personally served the Notice of Preliminary Determination of Nonuse of appropriation A-12070 upon Seth M. Johnson.
7. No contest of the Preliminary Determination of Nonuse was received in the Department.
8. The Department has determined that appropriation A-12070 has not been used for its required purpose for more than five consecutive years.
9. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-12070 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



November 27, 2023

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Thomas E. Riley, 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 docket clerk and field office in Lincoln, Nebraska. A copy of this Order was mailed to the following:

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