

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18494
FOR A PERMIT FOR TO APPROPRIATE WATER

WATER DIVISION 2-C

BACKGROUND

1. On March 27, 2007, David L. Scott, on behalf of Scott Land & Cattle, LLC, filed in the Department of Natural Resources (Department) application A-18494 for a permit to appropriate water from the Keya Paha River for the purpose of irrigation of 68.6 acres of land located in the W $\frac{1}{2}$ of Section 21, Township 34 North, Range 16 West of the 6th P.M. in Boyd County.
2. The status of application A-18494 is pending.
3. On December 19, 2012, Jeffrey T. Lieswald, on behalf of MNS Properties, LLC, advised the Department of change of ownership indicating that Scott Land & Cattle, LLC, is no longer the owner of the property described in this application.
4. The Nebraska Supreme Court has determined that a water right applicant has no transferable property right in an application for a permit to divert water and that permitting the assignment of applications could lead to collusion, thereby defeating the rights of other parties along a stream. (*Catherland Reclamation District v. Lower Platte North Natural Resources District*, 230 Neb. 580, 433 N.W.2d 161 (1988)).

ORDER

IT IS HEREBY ORDERED application A-18494 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

February 15, 2013


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed on February 15, 2013, to the following:

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Scott Land & Cattle, LLC
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