

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18446

FOR A PERMIT FOR TO APPROPRIATE WATER

CASE NUMBERS 2012-44-CC-1, 2012-47-CC-1 AND 2012-48-CC-1

WATER DIVISION 2-C

BACKGROUND

1. On February 15, 2007, Frank R. Krejci filed in the Department of Natural Resources (Department) application A-18446 for a permit to appropriate water from the Niobrara River for the purpose of irrigation of 1,600 acres of land located in Section 7 and Section 8, Township 33 North, Range 14 West of the 6th P.M. in Holt County and in Section 12, Section 13, Section 22, Section 23 and Section 24, Township 33 North, Range 15 West of the 6th P.M. in Holt County.
2. The status of application A-18446 is pending.
3. On December 31, 2012, Rick Meteger, on behalf of Riverview, LLP, filed a notice of change of ownership in the Department indicating that Frank R. Krejci 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-18446 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

January 30, 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 hearing officer, docket clerk and field office in Ord, Nebraska. A copy of this Order was mailed on January 30, 2013, to the following:

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