

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18507

FOR A PERMIT FOR TO APPROPRIATE WATER

WATER DIVISION 2-C

BACKGROUND

1. On April 25, 2007, Bruce L. Simmons filed in the Department of Natural Resources (Department) application A-18495 for a permit to impound 186.25 acre-feet of water from Walker Lake for the purpose of irrigation. The existing reservoir is located in Section 33, Township 35 North, Range 35 West of the 6th P.M. in Cherry County.
2. The status of application A-18507 is pending.
3. On April 16, 2012, Barry and Nancy Wolff, filed a notice of change of ownership in the Department indicating that Bruce L. Simmons 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-18507 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

December 5, 2012


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 December 5, 2012, to the following:

Barry and Nancy Wolff
90714 North Eli Road
Eli, Nebraska 69201

Bruce L. Simmons
8148 State Hwy 27
Gordon, NE 69343