

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18493

WATER DIVISION 2-C

BACKGROUND

1. On March 27, 2007, David L. Scott, owner and managing member, on behalf of Scott Land & Cattle, LLC, filed in the Department of Natural Resources (Department) application A-18493 for a permit to appropriate water out of Kibby Reservoir (storage appropriation A-4481), located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 34 North, Range 16 West of the 6th P.M. in Boyd County.
2. On November 23, 2011, a notice of change of ownership was filed in the Department indicating that Scott Land & Cattle, LLC, is no longer the owner of the property appurtenant to this application.
3. 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, et al.*, 230 Neb. 580, 433 N.W.2d. 161 (1988)).

ORDER

IT IS HEREBY ORDERED application A-18493 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

January 19, 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 Lincoln, Nebraska. A copy of this Order was mailed on January 19, 2012, to the following:

Scott Land & Cattle, LLC
David L. Scott
603 South 96th Street
Omaha, Nebraska 68114