

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18505 FOR A PERMIT TO APPROPRIATE WATER

WATER DIVISION 2-C

BACKGROUND

1. On April 18, 2007, Joyce Tiensvold filed application A-18505 in the Department of Natural Resources (Department) for a permit to appropriate water.
2. The status of application A-18505 is pending.
3. On July 22, 2011, Stephen W. and Melissa A. Johndreau, on behalf of Stephen W. and Melissa A. Johndreau and J. Roy and Barbara Johndreau, filed a notice of change of ownership in the Department that they had purchased the land proposed for irrigation under application A-18505.
4. The Department received a copy of the warranty deed filed with the Sheridan County Clerk dated July 13, 2011, evidencing the said transfer of ownership of the property subject to appropriation A-18505.
5. Pursuant to *Catherland Reclamation District v. Lower Platte North Natural Resources District*, 230 Neb. 580 (1988), a water right applicant has no transferable property right in a mere application to divert water. Therefore, application A-18505 should be dismissed.

ORDER

IT IS HEREBY ORDERED application A-18505 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

November 7, 2011


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 November 8, 2011, to the following:

Joyce Tiensvold
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Rushville, Nebraska 69360

J. Roy and Barbara Johndreau
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Gordon, Nebraska 69343

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