

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18495

FOR A PERMIT FOR TO APPROPRIATE WATER

WATER DIVISION 2-C

BACKGROUND

1. On March 28, 2007, Bruce L. Simmons filed in the Department of Natural Resources (Department) application A-18495 for a permit to appropriate water from Walker Lake for the purpose of irrigation of 35 acres of land located in the NW<sup>1</sup>/<sub>4</sub> of Section 33, Township 35 North, Range 35 West of the 6<sup>th</sup> P.M. in Cherry County.
2. The status of application A-18495 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-18495 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 Highway 27  
Gordon, NE 69343