

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-18873

FOR A PERMIT FOR TO APPROPRIATE WATER

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

WATER DIVISION 2-C

BACKGROUND

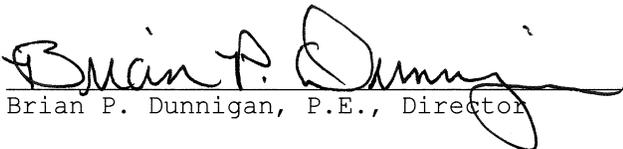
1. On February 10, 2012, P. David and Martha J. Perkins, on behalf of The Martha Perkins Living Trust and The P. David Perkins Living Trust, filed in the Department of Natural Resources (Department) application A-18873 for a permit to appropriate water from the Myron Nilson Reservoir, storage appropriation A-15640, for the purpose of irrigation of 463.0 acres of land located in Section 29 and Section 32, both in Township 35 North, Range 19 West of the 6th P.M. in Keya Paha County.
2. The status of application A-18873 is pending.
3. On January 8, 2013, Barry Harthoorn, on behalf of West Rio Land and Cattle Company, notified the Department of a change of ownership indicating that The Martha Perkins Living Trust and The P. David Perkins Living Trust 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-18873 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:

The Martha Perkins Living Trust and
The P. David Perkins Living Trust
59542 Highway M
Green City, Missouri 63545

West Rio Land and Cattle Company
Barry Harthoorn
88809 429th Avenue
Ainsworth, Nebraska 69210