

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION A-19094

FOR A PERMIT TO APPROPRIATE WATER

WATER DIVISION 2-C

BACKGROUND

1. On June 12, 2013, Ernest R. Fellows filed in the Department of Natural Resources (Department) application A-19094 for a permit to appropriate water from the Keya Paha River for the purpose of irrigation of 80 acres of land located in Section 05, Township 34 North, Range 18 West of the 6th P.M. in Keya Paha County.
2. The status of application A-19094 is pending.
3. The Department has received information indicating that Ernest R. Fellows 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-19094 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

November 25, 2015


Gordon W. Fassett, 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 25, 2015, to the following:

Ernest R. Fellows
90552 450th Avenue
Mills, Nebraska 68753

Tommy Joe and Connie Jean Prewitt
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O'Neill, Nebraska 68763