

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF DISMISSAL OF APPLICATION TO IMPOUND A-18618

WATER DIVISION 2-F

BACKGROUND

1. On December 1, 2008, Alan Poppe, on behalf of landowner Raymond Poppe, filed in the Department of Natural Resources (Department) application A-18618 for a permit to impound water.
2. Department staff were notified of a change of ownership of the land under pending application A-18618 via a telephone conversation with Alan Poppe. Mr. Poppe indicated his wish to file a new application to impound after the change of ownership.
3. On September 22, 2010, Alan Poppe filed correspondence in the Department requesting application A-18618 be dismissed.
4. The Nebraska Supreme Court has determined that a water right applicant has no transferable property right in a mere application to divert water and that permitting the assignment of applications could lead to collusion, thereby defeating the rights of other parties along a river. (*Catherland Reclamation District v. Lower Platte North Natural Resources District et al* 230 Neb. 580 N.W. 2d. (1988)).

ORDER

IT IS THEREFORE ORDERED that application A-18618 is DISMISSED.

DEPARTMENT OF NATURAL RESOURCES

October 25, 2011


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website and provided to the Department's field office in Norfolk, Nebraska. A copy of this Order was mailed on October 25, 2011, to the following:

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