

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application EXT-1606)
for an Expedited Transfer of) FINAL ORDER
Water Appropriation A-7971.)
Water Division 2-C.)

This matter came on for consideration before the Director of the Department of Natural Resources (Department). The Director FINDS:

1. Application EXT-1606 for an expedited transfer of appropriation A-7971 was filed in the Department on December 18, 2008, by Lyndon J. Hooper, Personal Representative in the matter of the disposition of the Estate of Hallie V. Jackson.
2. Information received from the Sheridan County Assessor indicated the land appurtenant to appropriation A-7971 had been divided into two distinct portions with A. J. Jackson as owner of one portion and Roger L. and Carol A. Vincent as owners of the other portion. Based on this information the Department gave notice of EXT-1606 pursuant to *Neb. Rev. Stat. § 46-291(2)*.
3. Roger Vincent timely filed an objection and request for hearing in the Department regarding EXT-1606. Mr. Vincent's filing states that he is the owner of the portion of land included under the proposed transfer of a part of appropriation A-7971.
4. The Department contracted with a hearing officer to hear the case.
5. Following notice of a prehearing conference, Mr. Vincent's attorney filed a notarized statement by A. J. Jackson, owner of a portion of the land appurtenant to appropriation A-7971, agreeing that the appropriation should be split between the two owners.
6. On October 5, 2010, an electronic mail was received by the hearing officer from Lyndon J. Hooper stating that he was withdrawing application EXT-1606.

It is CONCLUDED that based upon Findings 5 and 6 above, application EXT-1606 should be allowed to be withdrawn and this proceeding should be dismissed which is allowed under the provisions of the Department's *Rules of Practice and Procedure*, 454 *Nebr. Adm. Code* Chapter 7.

It is hereby Ordered that the contested case proceeding regarding EXT-1606, and application EXT-1606 are DISMISSED without prejudice.

DEPARTMENT OF NATURAL RESOURCES

October 13, 2010


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 Bridgeport, Nebraska. A copy of this Order was mailed on October 13, 2010, to the following:

Patrick M. "Marty" Connealy
Crites, Shaffer, Connealy & Watson, PC, LLO
P.O. Box 1070
Chadron, NE 69337

Lyndon J. Hooper
425 Main
Winner, SD 57850

Andrew Jackson
4971 494th Trail
Rushville, NE 69360

Roger Vincent
5142 State Highway 250
Rushville, NE 69360

Donald G. Blankenau
Blankenau Wilmoth LLP
206 South 13th Street, Suite 1425
Lincoln, NE 68508-2002