

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF MAP 18217 FOR WATER APPROPRIATION A-18918

WATER DIVISION 1-C

BACKGROUND

1. On May 31, 2012, Jeremy W. Heitmann, on behalf of Heitmann Brothers, L.L.C., filed in the Department of Natural Resources (Department) application A-18918 for a permit to impound water and DWV-2342, a petition for a waiver of drawdown requirement.
2. On August 6, 2012, the Department approved application A-18918 for 9.6 acre-feet per annum to be stored in Heitman Reservoir No. 2 located in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 8, Township 1 North, Range 3 East of the 6<sup>th</sup> P.M. in Thayer County.
3. On January 18, 2013, Anthony D. Duever, Professional Civil Engineer, on behalf of Heitmann Brothers, L.L.C., filed in the Department map of reservoir 18217 according to *Title 457 Neb. Admin. Code Chapter 11*.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED:

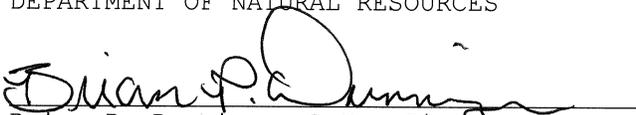
1. Map of reservoir number 18217 is APPROVED.
2. The amount of water that may be diverted shall not exceed 9.6 acre-feet per year to be stored in Heitmann Reservoir No. 2. Heitmann Dam No. 2 is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 8, Township 1 North, Range 3 East of the 6<sup>th</sup> P.M. in Thayer County.
3. The appropriator is bound by all terms and conditions of the approval of application A-18918.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES

October 10, 2013

  
Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 18217 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and map number 18217 were mailed on October 10, 2013, to the following:

Jeremy W. Heitmann  
Heitmann Brothers, L.L.C.  
5520 Highway 8  
Chester, Nebraska 68327

Anthony D. Duever, P.E.  
CES Group P.A. Engineers & Surveyors  
1102 Broadway  
Marysville, Kansas 66508