STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19041

WATER DIVISION 1-F

BACKGROUND

1. On March 18, 2013, Wayne Haveman, on behalf of Haveman Farms Inc., filed in the Department of Natural Resources (Department) application A-19041 for a Permit to Appropriate Water.

ORDER

IT IS HEREBY ORDERED that application A-19041 is APPROVED subject to the following limitations and conditions:

1. A map prepared according to *Title 457 Neb. Admin. Code* Chapter 10 must be filed in the office of the Department by six months past the signing date of this application approval or appropriation A-19041 will be CANCELLED.

2. Appropriation A-19041 has a priority date of March 18, 2013, and authorizes the appropriator the use of stored water for irrigation of land not to exceed 375 acres located in the E½E½ of Section 35 and the W½ of Section 36, both in Township 10 North, Range 12 East of the 6th P.M. in Cass County, Nebraska, and may be further limited by the Department upon approval of the required map. The source of the water to be diverted is Haveman Pond No. 2, permitted under storage appropriation A-19039, located in the NW¼SW¼ of Section 36, Township 10 North, Range 12 East of the 6th P.M. in Cass County, Nebraska.

3. The total volume of water diverted under A-19041 shall not exceed 100 acre feet nor the least amount of water necessary for the production of crops in the exercise of good husbandry. This appropriation will be limited to the land irrigated and the amount of water beneficially used on an annual basis.

4. This surface water appropriation shall provide supplemental water for land also included under appropriations A-19040 and A-19122 held by Haveman Farms Inc.

5. The appropriator must comply with all relevant statutes. These relevant statutory requirements include, but are not limited to, the following:

   A. Notify the Department of any change in ownership or address.

   B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).

C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

6. The appropriator must comply with the following deadlines:

A. A map prepared according to *Title 457 Neb. Admin. Code* Chapter 10 must be filed in the office of the Department by six months past the signing date of this application approval. No rights shall be deemed to have been acquired until the provisions of this paragraph have been complied with, and a failure to do so shall cause a forfeiture of the appropriation and all rights thereof.

B. Construction of the diversion works must begin within twelve months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.

C. Construction of the project must be completed by two years past the signing date of this application approval.

D. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19041 must be beneficially used by September 1, 2018.

E. After September 1, 2018, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19041.

ADDITIONAL INFORMATION

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

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

December 22, 2015

Gordon W. Fassett

Gordon W. Fassett, 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, 4th 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 approval was posted on the Department's website and provided to the Department's field office in Lincoln, Nebraska. A copy of this approval was mailed on December 22, 2015, to the following:

Haveman Farms Inc.
c/o Wayne Haveman
71801 647 Avenue
Shubert, NE 68437