

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19295

WATER DIVISION 1-F

BACKGROUND

On August 28, 2014, Martin Marietta Materials, Inc., filed in the Department of Natural Resources (Department) application A-19295 for a temporary Permit to Appropriate Water.

ORDER

IT IS HEREBY ORDERED that application A-19295 is APPROVED subject to the following limitations and conditions:

1. The source of water is Weeping Water Creek.
2. The water shall be used for the purpose of aggregate washing.
3. The priority date is August 28, 2014.
4. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 10 North, Range 11 East of the 6th P.M. in Cass County.
5. The rate that water may be diverted under appropriation A-19295 shall not exceed 2.23 cubic feet per second (approximately 1,000 gallons per minute). Total annual volume of water diverted may not exceed 250 acre-feet.
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19295 will be CANCELLED without further action by the Department as of that date.
7. The appropriator must comply with all relevant statutes. The statutes 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.

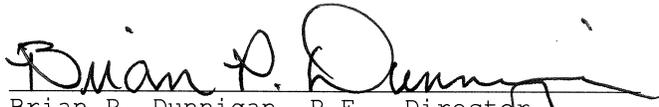
ADDITIONAL INFORMATION

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.

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

October 28, 2014


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, 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 October 28, 2014, to the following:

Martin Marietta Materials, Inc.
Weeping Water Mine
11252 Aurora Avenue
Des Moines, IA 50332