

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
APPROVAL OF APPLICATION A-18735

WATER DIVISION 1-D

BACKGROUND

1. On January 14, 2011, DeVern C. and June K. Hagemeyer filed in the Department of Natural Resources (Department) application A-18735.
2. On January 13, 2014, DeVern C. Hagemeyer filed in the Department DWV-4900, a petition for a waiver of the requirement of outlet works for application A-18735.
3. On January 21, 2014, DeVern C. Hagemeyer filed in the Department map of reservoir number 18796 prepared according to *Title 457 Neb. Admin. Code Chapter 11*.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED Application A-18735, map of reservoir number 18796 and DWV-4900 are APPROVED subject to the following limitations and conditions:

1. The source of water is a tributary to Clatonia Creek.
2. The priority date is January 14, 2011.
3. The amount of water that may be diverted shall not exceed 6.74 acre-feet per year to be stored in Hagemeyer Reservoir. Hagemeyer Dam is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, Township 5 North, Range 5 East of the 6<sup>th</sup> P.M. in Gage County.
4. The owner or possessor of the reservoir storing water pursuant to A-18735 shall have structural controls in place or other mechanical means to immediately release a portion of the measured inflows in such amounts and at such times if so ordered by the Department.
5. A waiver of the requirement for a drawdown, DWV-4900, has been granted. This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs, unless the appropriator is a political subdivision. The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.

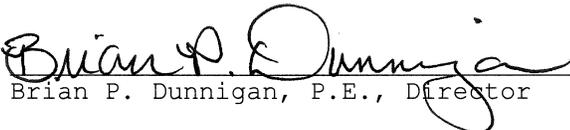
6. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
- A. Notify the Department of any change in ownership or address.
  - B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, map of reservoir number 17769 or the type of appropriation.
  - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
  - D. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

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

February 13, 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 approval 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 Neb. 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 Approval and be accompanied by a filing fee of \$10.

Copies of this approval and map of reservoir 18796 were mailed on February 13, 2014, to the following:

DeVern C. & June K. Hagemeyer  
15280 SW 42<sup>nd</sup> Road  
Pickrell, NE 68422