

4. On or about July 20, 2005, and continuing to July 21, 2005, Defendant caused pollution of waters of the state or placed or caused wastes to be placed in a location where they are likely to cause pollution to any waters of the state.

5. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

SECOND CLAIM

6. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 5 of its First Claim.

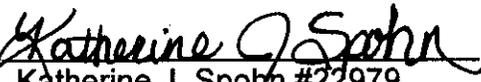
7. Neb. Rev. Stat. § 81-1506(5)(c) makes it unlawful for any person to violate any term or condition of an animal feeding operation permit. Neb. Rev. Stat. § 81-1508.02 (1) (b) makes it unlawful for any person to violate any term or condition of a permit.

8. On or about July 20, 2005, Defendant violated its state operating permit by failing to inspect their land application irrigation system.

WHEREFORE, the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. § 81-1508.02 (2) and further that all costs of this action be taxed to the Defendant. Plaintiff prays that the Court consider "the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance" in determining the appropriate civil penalty pursuant to Neb. Rev. Stat. § 81-1508.02 (2).

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

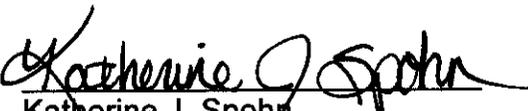
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon the Defendant by regular United States mail, first class postage prepaid on this 19th day of January, 2006 addressed to the Defendant's attorney of record as follows:

David A. Jarecke
Crosby Guenzel, LLP
134 S 13th Street, Suite 400
Lincoln, NE 68508


Katherine J. Spohn
Assistant Attorney General