

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF PLAN P-18258

BACKGROUND

1. The plan, P-18258, is for Rowe HP2, a proposed dam subject to the *Safety of Dams and Reservoirs Act*. The dam will be located in the NW1/4 of Section 13, Township 08 North, Range 22 West of the 6th P.M. in Gosper County.
2. Terry and Betty Rowe, 74826 Road 431, Elwood, Nebraska 68937, are the owners of the proposed dam.
3. On July 24, 2012, Plan P-18528 was approved with the condition that construction be completed by November 1, 2014.
4. On October 28, 2014, an Order Granting an Extension of Time was issued, extending the construction deadline to November 1, 2016.
5. On October 13, 2016, Steve Westerbuhr, P.E., of Settje Agri-Services and Engineering Inc., on behalf of Terry and Betty Rowe, filed a request to extend the construction deadline for plan P-18258 to November 1, 2018.

ORDER

It is therefore ORDERED:

1. The request for extension of time to complete construction of plan P-18258 is hereby APPROVED.
2. The date by which construction of plan P-18258 shall be completed is extended to November 1, 2018.
3. All limitations and other conditions in the July 24, 2012, Order approving plan P-18258 remain in effect.
4. Upon completion of the construction, the owner shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate will be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this Order.

ADDITIONAL INFORMATION

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

DEPARTMENT OF NATURAL RESOURCES

November 15, 2016


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* 454 *Neb. 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 Order was posted on the Department's website. Copies of this Order and a "Construction Certification Form for Dams" were mailed on November 15, 2016, to Terry and Betty Rowe, 74826 Road 431, Elwood, Nebraska 68937, and Steve K. Westerbuhr, P.E., Settje Agri-Services and Engineering Inc., 4700 W. Rock Creek Road, Raymond, Nebraska 68428. A copy of this Order was provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed to the Tri-Basin Natural Resources District, 1723 N. Burlington, Holdrege, Nebraska 68949, and River Hwang, P.E., Nebraska Department of Environmental Quality, INTERAGENCY, 1200 N Street, Suite 400, P.O. Box 98922, Lincoln, Nebraska 68509-8922