

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

Plan of Dam Approval

This matter comes before the Director of the Department of Natural Resources (Department) pursuant to *Neb. Rev. Stat.* § 46-1652 which generally requires anyone intending to construct a dam to file an application for approval of plans and specifications of a dam prior to beginning such construction and *Neb. Rev. Stat.* § 54-2430(3) (Reissue 2004), pursuant to which the Department may permit an increase in the non-divertible runoff acreage area of a livestock waste control facility.

Plan P-17735 and associated specifications have been examined. The examination shows that:

1. The plan is for the construction of a proposed dam subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the S1/2 of Section 24, Township 10 North, Range 21 West of the 6th P.M. in Dawson County.
2. Darren A. Jack, P.E., of WLA Consulting, Inc., 1640 "L" Street, Suite D, Lincoln, NE 68508-2581, prepared the drawings and specifications.
3. Dawson Feeders, P.O. Box 400, Lexington, NE 68850, owns the dam.
4. The drawings and specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.
5. Following consultation with the Nebraska Game and Parks Commission, the Department finds the project will have "No Effect" on any state listed threatened or endangered species or their critical habitat.
6. The non-feedlot drainage area of 0.0 acres is less than the allowable twenty-five acre limit. A clean water diversion is designed to convey runoff around the holding pond.

The plan is hereby APPROVED subject to the following limitations, conditions and notice.

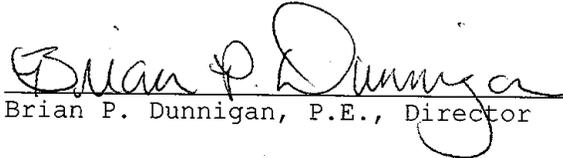
1. The dam owner must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, the specifications or plan P-17735.

- C. Construct, operate and maintain the structure in accordance with § 46-241 RRS and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670 RRS.
- D. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
2. Upon completion of the structure, the owner shall file with the Department the enclosed "Construction Certification Form for Dams." Following receipt of this form, an approval to operate shall be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this approval. No impoundment in the structure shall occur prior to issuance of the approval to operate.

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



Brian P. Dunnigan, P.E., Director

January 7, 2011

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 Nebraska Administrative Procedures Act (§§ 84-901 et. seq. RRS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (4th Floor State Office Building, 301 Centennial Mall South, P.O. Box 94676, Lincoln, NE 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this Approval was posted on the Department's website. Copies of this Approval and plan P-17735, were mailed on January 7, 2011, to Dawson Feeders, P.O. Box 400, Lexington, NE 68850. Copies of this Approval and a Construction Certification Form for Dams were mailed to Darren A. Jack, P.E., of WLA Consulting, Inc., 1640 "L" Street, Suite D, Lincoln, NE 68508-2581. Copies of this Approval, plan P-17735 and Engineering Review Report for Dams were provided to the Department's field office, Bridgeport, Nebraska. A copy of this Approval was mailed to the Central Platte Natural Resources District.