

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 19435

BACKGROUND

1. Gottsch Dam is an existing dam subject to *the Safety of Dams and Reservoirs Act* located in the SW 1/4 of Section 02, Township 12 North, Range 10 East of the 6<sup>th</sup> P.M. in Sarpy County. The dam was constructed prior to September 4, 2005.
2. The Cloisters on the Platte Foundation, 1395 South Platte River Drive, Denver, Colorado 80223, owns the dam.
3. On January 11, 2016, The Cloisters on the Platte Foundation filed in the Department an application for approval of plans for dams and plan P-19435 for the Gottsch Dam.
4. Paula B. Wells, P.E., of the Wells Resource LLC, 3919 Cumming Street, Omaha, Nebraska 68131, prepared the plan.
5. The dam has been classified as a low hazard potential structure. Failure of the dam is not likely to result in loss of human life or significant economic loss.
6. The dam and Plan P-19435 have been reviewed by a Registered Professional Engineer of the Department. The dam was found to meet the established minimum structure and condition criteria for an existing low hazard potential dam.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-19435 are APPROVED subject to the following limitations and conditions:

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 written approval prior to taking any action that changes the storage capacity of the reservoir, the specifications, or plan P-19435.
  - C. Operate and maintain the structure in accordance with *Neb. Rev. Stat. § 46-241* and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
  - D. Assume liability for all damages due to leakage, overflow or structural failure of the dam.

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

  
Gordon W. Fassett, P.E., Director

February 22, 2016

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* 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.

A copy of this approval was posted on the Department's website. Copies of this approval and plan P-19435 were mailed on February 22, 2016, to The Cloisters on the Platte Foundation, c/o Kurt Halvorson, 1395 South Platte River Drive, Denver, Colorado 80223. A copy of this approval was mailed to Paula B. Wells, P.E., Wells Resource LLC, 3919 Cumming Street, Omaha, Nebraska 68131. Copies of this approval, engineering review report, and plan P-19435 were provided to the Department's field office in Norfolk, Nebraska.