

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 19619

BACKGROUND

1. On August 17, 2016, Lucas J. Dutcher, P.E., filed in the Department of Natural Resources on behalf of Roger D. & Janice M. Pollat an Application for Approval of Plans for Dams and plan P-19619.
2. The plan, P-19619, is for Pollat Dam, an existing dam subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the NE 1/4 of Section 31, Township 09 North, Range 16 West of the 6th P.M. in Buffalo County.
3. Lucas J. Dutcher, P.E., of Miller & Associates Consulting Engineers, P.C., 1111 Central Avenue, Kearney, Nebraska 68847, prepared the plan.
4. Roger D. and Janice M. Pollat, 3134 Puddle Boulevard, Kearney, Nebraska 68847, own the dam and reservoir.
5. P-19619 is for the breaching of Pollat Dam. The project will result in a channel through the dam to the natural bed elevation of the stream.
6. P-19619 was examined by a Registered Professional Engineer of the Department of Natural Resources and it was found that upon completion of the project, Pollat Dam will no longer be capable of impounding water and will no longer be considered a dam as defined by *Neb. Rev. Stat. § 46-1611*.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-19619 are APPROVED subject to the following limitations and conditions:

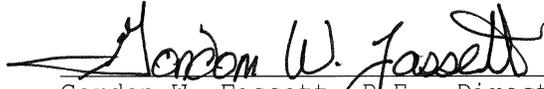
1. This approval will remain in effect for the purpose of breaching Pollat Dam until December 1, 2016.
2. The owner of a dam shall provide written notice to the Department at least twenty-four hours before the breaching of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's Dam Safety Section. Notices may be delivered to the Department by mail, facsimile, or electronic mail.
3. Upon completion of the breaching of the dam, the owner shall file with the Department of Natural Resources the enclosed "Construction Certification Form for Dams."

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

September 13, 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 approval may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department of Natural Resources' *Rules of Practice and Procedure 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department of Natural Resources 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 approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department of Natural Resources' website. Copies of this approval, plan P-19619, and a "Construction Certification Form for Dams" were mailed on September 13, 2016, to Roger D. and Janice M. Pollat, 3134 Puddle Boulevard, Kearney, Nebraska 68847. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Lucas J. Dutcher, P.E., Miller & Associates Consulting Engineers, P.C., 1111 Central Avenue, Kearney, Nebraska 68847. Copies of this approval and plan P-19619 were provided to the Department of Natural Resources' field office in Ord, Nebraska.