

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPROVAL OF PLAN NUMBER 19580

BACKGROUND

1. On July 8, 2016, Seward County filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams and plan P-19580.
2. The plan, P-19580, is for modifications to the West Denton Road embankment in the NE1/4 of Section 24, Township 09 North, Range 04 East of the 6th P.M. in Seward County. At this location, the road embankment also serves as a dam across a tributary to Holmes Creek. The dam, known as Seward County Road Dam 1, is subject to the *Safety of Dams and Reservoirs Act*.
3. Timothy W. Farmer, P.E., of Speece Lewis Engineers, 906 South 26th Street, Lincoln, Nebraska 68510, prepared the plan.
4. Seward County, 320 South 14th Street, Seward, Nebraska 68434, owns the dam.
5. The plan was examined by a Registered Professional Engineer of the Department of Natural Resources and was found to be consistent with current standards.
6. The modifications to the dam shown in the plan will result in the permanent draining of the reservoir. After the modifications are complete, the roadway embankment will no longer serve additional purposes commonly associated with dams, and as such, the roadway embankment will no longer be considered a dam as defined by *Neb. Rev. Stat. § 46-1611*.

ORDER

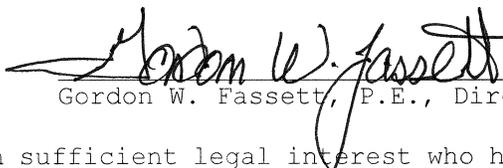
IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-19580 are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of constructing the modifications until November 1, 2018.
2. The owner of a dam shall provide written notice to the Department of Natural Resources at least ten days before construction of the modifications are to begin. Notices must be in writing and addressed to the Chief Engineer of the Department of Natural Resources' Dam Safety Section. Notices may be delivered by mail, facsimile, or electronic mail.
3. Upon completion of the modifications, 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



Gordon W. Fassett, P.E., Director

August 8, 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 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's website. Copies of this approval, plan P-19580, and a "Construction Certification Form for Dams" were mailed on August 8, 2016, to the Seward County Highway Department, 320 South 14th Street, Seward, Nebraska 68434. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Timothy W. Farmer, P.E., Speece Lewis Engineers, 906 South 26th Street, Lincoln, Nebraska 68510. Copies of this approval, engineering review report, and plan P-19580 were provided to the Department's field office in Lincoln, Nebraska.