STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-20758

AND PETITION FOR A WAIVER OF OUTLET WORKS

BACKGROUND

1. The Krauss West Dam is an existing dam subject to the *Safety of Dams and Reservoirs Act*, located in the NE¼ of Section 17, Township 17 North, Range 12 East of the 6the P.M. in Washington County.
2. Long Creek Farm, LLC, 4787 County Road 39, Fort Calhoun, Nebraska 68023, owns the dam.
3. On July 16, 2021, Adrian Ferguson, on behalf of Long Creek Farm, LLC, filed in the Department of Natural Resources (Department)an Application for Approval of Plans for Dams, as-built plan P-20758 for the Krauss West Dam, and a Petition for a Waiver of Outlet Works.
4. Michael K. Sotak, P.E. of FYRA Engineering, Inc., 12702 Westport Parkway, Suite 300, Omaha, 68138, prepared the plan.
5. The plans and specifications were examined by a registered professional engineer of the Department and were found to be consistent with current standards.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-20758 and the Petition for a Waiver of Outlet Works 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:
   1. Notify the Department of anychange in ownership or address.
   2. Receive written approval prior totaking any action that changes the storage capacity of the reservoir, the specifications, or plan P‑20758.
   3. 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.
   4. Assume liability for all damages due to leakage, overflow or structural failure of the dam.
2. A waiver of the requirement for outlet works has been granted.  This waiver does not relieve the owner from the responsibility to pass a portion of the reservoir inflow by some method for downstream appropriators should there be a need for water administration; or if water should be required for livestock needs.  The Department may rescind the waiver and require installation of appropriate outlet works at a later date if it is determined that the responsibility to pass inflows is not being met or cannot be met by another method.

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

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August 16, 2021 Thomas E. Riley, P.E., Director

A copy of this approval was posted on the Department’s website. Copies of this approval and plan P‑20758 were mailed on August 16, 2021, to Adrian Ferguson, Long Creek Farm, LLC, 4787 County Road 39, Fort Calhoun, Nebraska 68023. A copy of this approval was mailed to Michael K. Sotak, P.E., FYRA Engineering, Inc., 12702 Westport Parkway, Suite 300, Omaha, 68138. Copies of this approval, engineering review report, and plan P-20758 were provided to the Department’s field office in Norfolk, Nebraska.