

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 20268

BACKGROUND

1. On August 10, 2018, Bill Keller on behalf of Keller Feedlot, Inc., filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-20268, and associated specifications.
2. The plan, P-20268, is for Keller Lagoon 1 Dam, a proposed livestock waste control dam subject to the *Safety of Dams and Reservoirs Act*. The dam will be located in the SW 1/4 of Section 09, Township 08 North, Range 23 West of the 6<sup>th</sup> P.M. in Gosper County.
3. Daniel R. Alexander, P.E., of Settje Agri-Services & Engineering, Inc., 15460 NW 58<sup>th</sup> Street, Raymond, Nebraska 68428, prepared the plans and specifications.
4. Keller Feedlot, Inc., 42208 Road 748, Eustis, Nebraska 69028, will own the dam.
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-20268, and associated specifications are APPROVED subject to the following limitations and conditions:

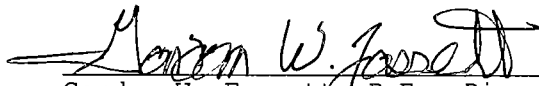
1. This approval will remain in effect for purposes of construction until November 1, 2020.
2. The owner of a dam shall provide written notice to the Department at least ten days before construction of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's Dam Safety Section. Notices may be delivered to the Department by mail, facsimile, or electronic mail.
3. 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-20268.

- C. Construct, 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.
4. Upon completion of the construction, the owner shall file with the Department the enclosed "Construction Certification Form for Dams". Following receipt of this form, an approval to operate will be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this approval.

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 27, 2018

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-20268, and a "Construction Certification Form for Dams" were mailed on August 27, 2018, to Bill Keller, Keller Feedlot, Inc., 42208 Road 748, Eustis, Nebraska 69028. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Daniel R. Alexander, P.E., Settje Agri-Services & Engineering, Inc., 15460 NW 58<sup>th</sup> Street, Raymond, Nebraska 68428. Copies of this approval, engineering review report, and plan P-20268 were provided to the Department's field office in Cambridge, Nebraska. Copies of this approval were mailed to the Tri Basin Natural Resource District, 1723 Burlington Street, Holdrege, Nebraska 68949, and to Ben Miller, Nebraska Department of Environmental Quality, INTERAGENCY, 1200 N. Street, Suite 400, P.O. Box 98922, Lincoln, Nebraska 68509-8922.