

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 20422

BACKGROUND

1. On July 17, 2019, Randy Lipovsky filed in the Department of Natural Resources an Application for Approval of Plans for Dams, plan P-20422, and associated specifications.
2. The plan, P-20422, is for Hoyt Dam 1656, an existing dam subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the SW 1/4 of Section 25, Township 5 North, Range 7 West of the 6th P.M. in Clay County.
3. Randy Lipovsky prepared the plan.
4. Randy and Lynn Lipovsky, 903 D Street, PO Box 343, Fairfield, NE 68938 own the dam and reservoir.
5. P-20422 is for the removal of Hoyt Dam 1656. The project will result in the complete removal of the dam and a channel excavated through the reservoir area.
6. P-20422 was examined by a Registered Professional Engineer of the Department of Natural Resources and it was found that upon completion of the project, Hoyt Dam 1656 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, plan P-20422, and associated specifications are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for the removal of Hoyt Dam 1656 until December 1, 2021.
2. The owner of a dam shall provide written notice to the Department at least ten days 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. The dam owner must comply with all relevant statutes. This includes accepting liability for all damages due to leakage, overflow or structural failure of the dam or releases of sediment from the reservoir area.

4. Upon completion of the removal 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

October 4, 2019


Gordon W. Fassett, P.E., Director

A copy of this approval was posted on the Department of Natural Resources' website. Copies of this approval, plan P-20422, and a "Construction Certification Form for Dams" were mailed on October 4, 2019, to Randy and Lynn Lipovsky, 903 D Street, PO Box 343, Fairfield, NE 68938. Copies of this approval and plan P-20422 were provided to the Department of Natural Resources' field office in Lincoln, Nebraska.