

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-20507

BACKGROUND

1. On March 2, 2020, John H. Wubbenhorst on behalf of KCC Feeding, Inc., filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-20507, and associated specifications.
2. The plan, P-20507, is for KCC Holding Lagoon 2 Dam, a proposed livestock waste control dam subject to the *Safety of Dams and Reservoirs Act*. The dam will be located in the SE 1/4 of Section 5, Township 5 North, Range 13 West of the 6th P.M. in Kearney County.
3. Matthew D. Goeller, P.E., of Settje Agri-Services and Engineering, 15460 Northwest 48th Street, Raymond, Nebraska 68428, prepared the plans and specifications.
4. KCC Feeding, Inc, P.O. Box 174, 654 - 40 Road, Minden, Nebraska, 68959, 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.
6. Following consultation with the Nebraska Game and Parks Commission, the Department finds the project "may affect, but is not likely to adversely affect" northern long-eared bat and will have "no effect" on any state listed threatened or endangered species, as long as the required tree removal is conducted outside of the maternity roosting period (June 1 - July 31) for the threatened northern long-eared bat.
7. All of the contributing drainage area into the lagoon will be from the livestock facility and incidental drainage associated with the waste control facility.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-20507, and associated specifications are APPROVED subject to the following limitations and conditions:

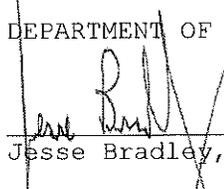
1. This approval will remain in effect for purposes of construction until November 1, 2021.
2. The owner of a dam shall provide written notice to the Department at least ten days before construction of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's 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-20507.
 - 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



Jesse Bradley, P.G., Interim Director

May 7, 2020

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-20507, and a "Construction Certification Form for Dams" were mailed on May 7, 2020, to KCC Feeding, Inc, c/o John H. Wubbenhorst, P.O. Box 174, 654 - 40 Road, Minden, Nebraska, 68959. Copies of this approval, engineering review report, and plan P-20507 were provided to the Department's field office in Cambridge, Nebraska. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Matthew D. Goeller, P.E., Settje Agri-Services and Engineering, 15460 North West 48th Street, Raymond, Nebraska 68428. Copies of this Approval were mailed to the Tri-Basin Natural Resources 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.