

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-20590

BACKGROUND

1. On October 2, 2020, Gary Bolek on behalf of Bolek Feedlot, LLC, filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-20590, and associated specifications.
2. The plan, P-20590, is for Bolek Feedlot Lagoon Dam, a proposed livestock waste control dam. The dam will be located in the SW 1/4 of Section 9, Township 29 North, Range 48 West of the 6<sup>th</sup> P.M. in Dawes 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. Bolek Feedlot LLC, 14460 Hwy 385, Hemingford, Nebraska 69348, 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. The dam will have a maximum height of 2 feet and a maximum storage capacity of 6.4 acre-feet above the lowest elevation of the downstream toe of the dam. The dam will have additional storage capacity of 31.0 acre-feet that is excavated below the elevation of the downstream toe of the dam for a total storage capacity of 37.4 acre-feet.
6. The dam is not subject to the Safety of Dams and Reservoirs Act as it will be less than 25 feet in height, and it will have less than 50 acre-feet of maximum storage capacity above the lowest elevation of the downstream toe of the dam.
7. The dam is subject to Neb. Rev. Stat. § 54-2430, which generally requires surface water runoff from upstream areas not related to the livestock facility to be adequately diverted around the livestock facility and not allowed to enter the waste control reservoir.
8. There will be surface water runoff from 127.5 acres not related to the livestock facility that will not be diverted and will be allowed to enter the waste control reservoir. This non-feedlot drainage area is allowed per Neb. Rev. Stat. § 54-2430 (3)(a), (b) and (c)(i). The Department finds the applicant has no reasonable way to limit the amount of additional runoff, the applicant has no reasonable alternative for relocating the livestock waste control facility, and an increase in the permitted runoff acreage will not reduce water supplies to the detriment of existing water users.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-20590, 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, 2022.
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-20590.
  - C. 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



Thomas E. Riley, P.E., Director

November 09, 2020

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-20590, and a "Construction Certification Form for Dams" were mailed on November 09, 2020, to Bolek Feedlot LLC, c/o Gary Bolek, 14460 Hwy 385, Hemingford, Nebraska 69348. Copies of this approval, engineering review report, and plan P-20590 were provided to the Department's field office in Bridgeport, 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 Upper Niobrara White Natural Resources District, 430 E 2nd St, Chadron, NE 69337; and to Ben Miller, Nebraska Department of Environmental Quality, INTERAGENCY, 1200 N. Street, Suite 400, P.O. Box 98922, Lincoln, Nebraska 68509-8922.