

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

Plan of Dam Approval

This matter comes before the Director of the Department of Natural Resources (Department) pursuant to *Neb. Rev. Stat. § 46-1670* which generally requires the owner of a dam subject to *the Safety of Dams and Reservoirs Act* constructed prior to September 4, 2005, and not previously approved by the Department to file an application for approval of such dam.

BACKGROUND

1. Meyer Dam is an existing dam subject to *the Safety of Dams and Reservoirs Act* located in the NE1/4 of Section 3, Township 6 North, Range 22 West of the 6th P.M. in Gosper County. The dam was constructed prior to September 4, 2005.
2. Blue Haven Farmland, Inc., 10116 744th Road, Bertrand, Nebraska 68927, owns the dam.
3. On October 3, 2013, Blue Haven Farmland, Inc., filed in the Department an application for approval of plans for dams and Plan P-18736 for Meyer Dam.
4. The dam has been classified as a minimal hazard potential structure. Failure of the dam would likely result in no economic loss beyond the cost of the structure itself and losses principally limited to the dam owner's property.
5. The dam and Plan P-18736 have been reviewed by a Registered Professional Engineer of the Department. The dam was found to meet the established minimum structure and condition criteria for a minimal hazard potential dam.

ORDER

IT IS HEREBY ORDERED that Plan P-18736 is 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:
 - A. Notify the Department of any change in ownership or address.
 - B. Receive approval prior to taking any action that changes the storage capacity of this reservoir or Plan P-18736.
 - C. 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.

2. Assume liability for all damages due to leakage, overflow or structural failure of the dam.

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

February 20, 2014


Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure* 454 *Neb. Admin. Code* Chapter 7. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval and Plan P-18736 were mailed on February 20, 2014, to Blue Haven Farmland, Inc., c/o Terry Meyer, 10116 744th Road, Bertrand, Nebraska 68927. Copies of this approval, engineering review report, and Plan P-18736 were provided to the Department's field office in Cambridge, Nebraska.