

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 19339

BACKGROUND

1. On August 24, 2015, Glenn D. Johnson, on behalf of the Lower Platte South Natural Resources District, filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-19339, and associated specifications.
2. The plan, P-19339, is for the reconstruction of Upper Salt Creek 18-9 Dam which is subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the NE1/4 of Section 18, Township 07 North, Range 07 East of the 6th P.M. in Lancaster County.
3. The plan, P-8665, for the original construction of the dam was approved on November 9, 1960.
4. Appropriation A-16425, which was granted on August 19, 1985, authorizes the storage of 25.5 acre-feet per year in the reservoir.
5. Robert E. Sullivan, P.E., of USDA Natural Resources Conservation Service, 448 N. 12th Street, Tecumseh, Nebraska 68450-2183, prepared the plan, P-19339, and the specifications.
6. The Lower Platte South Natural Resources District, 3125 Portia Street, Lincoln, Nebraska 68521, owns the dam.
7. The plans and specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.
8. The reconstruction of the dam will not change the lowest open overflow elevation for the reservoir or the reservoir storage volume. All terms and conditions of appropriation A-16425 will remain in effect unless specifically changed by this Order.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-19339 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, 2017.
2. 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.

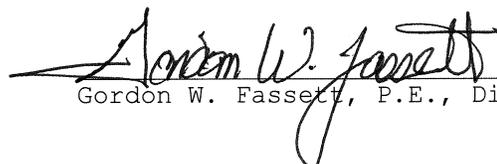
- B. Receive approval prior to taking any action that changes the storage capacity of the reservoir, the specifications, or plan P-19339.
 - C. Operate and maintain the structure in accordance with *Neb. Rev. Stat. § 46-241* and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
 - D. Assume liability for all damages due to leakage, overflow or structural failure of the dam.
3. 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

September 14, 2015


Gordon W. Fasset, 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, plan P-19339, and a "Construction Certification Form for Dams" were mailed on September 14, 2015, to the Lower Platte South Natural Resources District, c/o Glenn D. Johnson, 3125 Portia Street, Lincoln, Nebraska 68521. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Robert E. Sullivan, P.E., USDA Natural Resources Conservation Service, 448 N. 12th Street, Tecumseh, Nebraska 68450-2183. Copies of this approval, engineering review report, and plan P-19339 were provided to the Department's field office in Lincoln, Nebraska.