STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING EXTENSION OF TIME BY PETITION EOT-1719

TO APPLY WATER TO BENEFICIAL USE FOR SURFACE WATER APPROPRIATION A-17695

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

WATER DIVISION 1-A

Background

1. On May 19, 1999, the Department of Natural Resources (Department) approved Central Nebraska Public Power and Irrigation District's (District) application A-17695, authorizing the use of water from Kingsley Reservoir for instream use for fish and wildlife purposes. Application A-17695 is limited to a maximum of 215,000 acre-feet per year. The approval was conditioned upon the water appropriated under A-17695 be beneficially used by September 1, 2009.

2. On August 31, 2009, the District filed petition EOT-1719 requesting an extension of time in which to perfect application A-17695. The District requests a thirty-year extension.

3. Nebraska Revised Statutes Section 46-238(2) provides for the extension of time to perfect a water application.

4. The Department has concluded a fifteen-year extension is appropriate.

Order

It is therefore ORDERED:

1. Petition EOT-1719 is hereby GRANTED.

2. The time in which to beneficially use water appropriated under application A-17695 is extended fifteen-years, to September 1, 2024.

3. All other limitations and conditions of the approval of application A-17695 remain in effect.

DEPARTMENT OF NATURAL RESOURCES

August 26, 2010

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 order 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 (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, NE 68509-4676) within 15 days of the date of the order and be accompanied by a filing fee of $10.

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's field offices in Bridgeport and North Platte, Nebraska. A copy of this Order was mailed on August 26, 2010, to the following:

Donald Kraus, P.E., General Manager
Central Nebraska Public Power and Irrigation District
PO Box 740
Holdrege, Nebraska 68949-0740