

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER TO AN ADJOINING STATE

The Director of the Department of Natural Resources (Department) approves Application TA-47, submitted by Blattner Energy, Inc., for a permit to transport ground water to Colorado for industrial use.

The terms and conditions of permit TA-47 are as follows:

1. Permit TA-47 authorizes Blattner Energy, Inc. to obtain ground water from its service connection in the City of Kimball, Nebraska, and transport the water for the construction of wind power generation facilities and roads in the following locations:

Township 10 North, Range 57 West, Weld County, Colorado

Section 5 Section 8

Township 10 North, Range 58 West, Weld County, Colorado

Section 1 Section 4
Section 2 Section 5
Section 3

Township 11 North, Range 57 West, Weld County, Colorado

Section 1	Section 9	Section 18	Section 27
Section 2	Section 10	Section 19	Section 28
Section 3	Section 11	Section 20	Section 29
Section 5	Section 14	Section 21	Section 30
Section 6	Section 15	Section 22	Section 31
Section 7	Section 16	Section 23	Section 32
Section 8	Section 17	Section 26	Section 33

Township 11 North, Range 58 West, Weld County, Colorado

Section 10 Section 14
Section 11 Section 15
Section 12 Section 16
Section 13

2. The total amount of ground water that may be transferred to Colorado in a one-year period shall not exceed 31 acre-feet (10,000,000 gallons).
3. The maximum rate of transfer of ground water to Colorado shall not exceed 80,000 gallons per day.
4. Blattner Energy, Inc. may transport ground water from its service connection in the City of Kimball, Nebraska, which is supplied by the following existing public water wells: G-060621, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8; G-060622, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8; and G-095192, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, all in Township 15 North, Range 55 West of the 6th P.M. in Kimball County, Nebraska.

5. Blattner Energy, Inc. shall comply with all rules and regulations of the South Platte Natural Resources District, and such future allocations or other controls required to comply with the Ground Water Management and Protection Act, any interstate compacts or decrees, or any other formal state contract or agreements.
6. Blattner Energy, Inc. shall provide access to the property described herein at reasonable times for purposes of inspection by officials of the South Platte Natural Resources District or of the Department.
7. Blattner Energy, Inc. shall notify the Department of any changes in the place of use or nature of use.
8. Blattner Energy, Inc. shall track the amount of ground water transported from its Kimball facility to Colorado and, by January 31 of each year, shall file in the office of the Department a completed "Water Transfer Ground Water Well Report" on a form provided by the Department.

THIS PERMIT MAY BE REVOKED OR MODIFIED BY THE DEPARTMENT FOR FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT.

DEPARTMENT OF NATURAL RESOURCES

July 6, 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* ch.7. The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of this Order and must be accompanied by a filing fee of \$10.

A copy of this Order granting Permit TA-47 was mailed on July 6, 2010, to the Department's field office in Bridgeport, Nebraska, and to the following:

Blattner Energy, Inc.
392 County Road 50
Avon, Minnesota 56310

Harold M Farrar, City Administrator
City of Kimball
223 South Chestnut Street
Kimball, Nebraska 69145

Rod Horn, Manager
South Platte Natural Resources District
551 Parkland Drive
P.O. Box 294
Sidney, Nebraska 69162