

RECEIVED

MAY 14 2010

DEPARTMENT OF
NATURAL RESOURCES

Cedar Creek II Wind Farm Project

**Application No. TA-47
PERMIT TO TRANSFER GROUND WATER TO ADJOINING STATE
ATTACHMENTS**

1. City of Kimball Nebraska Letter
2. Original Permit to Transfer Ground Water to Adjoining State
3. State of Nebraska Letter
4. Requested Additional Information
5. Locations of Proposed Wells
6. Cedar Creek Project Map (with alternate well location)



223 South Chestnut Street • Kimball, NE 69145 • (308) 235-3639
www.ci.kimball.ne.us/city • Fax: (308) 235-2971

RECEIVED

MAY 14 2010

DEPARTMENT OF
NATURAL RESOURCES

April 1, 2010

State of Nebraska
Department of Natural Resources
Brian P. Dunnigan, P.E. Director
301 Centennial Mall South
Lincoln, NE 68509-4676

Dear Mr. Dunnigan:

The City of Kimball is sending this letter on behalf of Blattner Energy out of Avon, Minnesota. The City of Kimball is interested in supplying water needed by Blattner Energy for construction projects located in northeast Colorado.

The City understands they would be using the water for road compaction, dust control and batching ready mix concrete. We understand their daily need would not exceed 80,000 gallons with the total project anticipated to not exceed 10,000,000 gallons.

The City is prepared to handle all of Blattner Energy's water needs for these projects. We have three water wells for the municipality and a one-million gallon storage reservoir. Bulk water sales are a part of our operation.

The City of Kimball would ask for your support for Blattner Energy using water from Nebraska for these projects located in northeast Colorado. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Harold M. Farrar".

Harold M. Farrar
City Administrator



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES
Brian P. Dunnigan, P.E.
Director

April 7, 2010

IN REPLY TO:

TA-47

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

Dear Sir or Madam:

The Department is currently processing Blattner Energy, Inc.'s, application for a permit to transfer ground water to Colorado (TA-47). Upon completing an initial review, we find we need some additional information.

1. Pursuant to Neb. Rev. Stat. § 46-613.01 and instruction item 2 at the top of the application form, the Department must examine the factors listed below in considering whether to grant a permit to transfer ground water to an adjoining state:
 - a. The nature of the proposed use and whether it is a beneficial use of ground water.
 - b. The availability to the Applicant of alternative sources of surface or ground water.
 - c. Any negative effect of the proposed withdrawal on ground water and surface water supplies needed to meet present or reasonable future demands for water in the area of the proposed withdrawal, to comply with any interstate compact or decree, or to fulfill the provisions of any other formal state contract or agreement.
 - d. The cumulative effect of the proposed withdrawal and transfer relative to the matters listed above when considered in conjunction with all other transfers subject to Section 46-613.01.
 - e. Any other factors consistent with the purposes of Section 46-613.01 that are deemed relevant to protect the health, safety, and welfare of the state and its citizens.

No information was submitted to address any of the factors that the Department must consider. Please provide information to address items (a) through (e) above.

2. Sections 2 and 3 of the application form were not completed adequately. Information on the City of Kimball's wells, which are the proposed source of water for the transfer, must be listed in Sections 2 and 3. I am returning the application form to you for completion.
3. Section 4 of the application form should contain a legal description of the proposed location of use, by section, township, and range. Please provide a legal description of the area mentioned in Section 4 of the form.

p&g/sw/zayac

301 Centennial Mall South, 4th Floor • P.O. Box 94676 • Lincoln, Nebraska 68509-4676 • Phone (402) 471-2363 • Telefax (402) 471-2900

An Equal Opportunity/Affirmative Action Employer

Printed with soy ink on recycled paper

MAY 14 2009

Blattner Energy, Inc.

April 7, 2010

Page 2

4. No information was submitted to indicate whether the proposed project is a temporary transfer, intended to expire after some known period or date, or whether this is an annual transfer with no projected end date. In addition, no information was included to indicate whether the transfer will occur on a daily basis, or for only some number of months per year, etc. Please submit information on the timing and operation schedule of the proposed project.

Please submit the corrected application and additional information requested no later than June 7, 2010, so that processing of application TA-47 can continue. If you have any questions, please call me at (402) 471-0584.

Sincerely,



Tracy Zayac
Natural Resources Program Specialist

Enclosure

cc (w/o enc.): Rod Horn, South Platte NRD
Tom Hayden, DNR Bridgeport field office

MAY 14 2010¹⁰

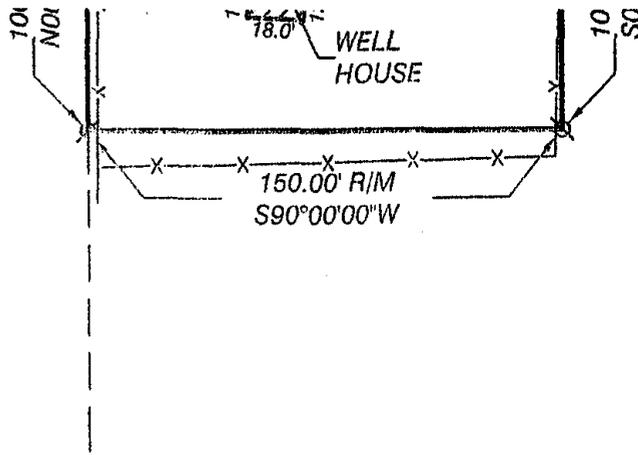
Cedar Creek II Wind Farm Project
Permit To Transfer Ground Water To Adjoining State
Additional Information required for permit TA-47

1. Additional Information:
 - a. The proposed water use would be for dust control during gravel road construction, backfill compaction, and dust control during the construction process of the Cedar Creek II Wind Farm.
 - b. An alternative well has been located at in Weld County, Colorado located ¼ mile to the east of CR intersections 134 and 125.
 - c. There will be no negative effects on Kimball's ground water as the Wells have been around since 1976 and the City of Kimball has not had any negative impact in the past including other large projects. Kimball will be able to produce bulk water sales from their three wells (see attached surveyor's certificates for locations) and one-million gallon storage reservoir.
 - d. The above cumulative effect of the proposed withdrawal and transfer relative to the matters listed above should not have an effect to Section 46-613.01. See attached Surveyor's Certificate for further information of locations of each Well.
 - e. There will be no negative factors related to Section 46-613.01 that are relevant to the health, safety, and welfare of the state and its citizens.
2. Well 78-1, 78-2, and 86-1 can produce up to 700 gallons per minute. Please see attached Surveyor's Certificates for locations of each well.
3. Cedar Creek 2 Wind Farm – See Attached Map for project boundaries.
4. The proposed project is a temporary water transfer with an approximate project start date of July 1st, 2010 and an approximate project end date of December 31th, 2011. Potential reclaim work of the project will be completed in the Spring of 2011. The transfer will occur on a daily basis as needed for the duration of the project (Start to Finish).

MAY 14 2009¹⁰

Well 86-7

55 S



MAY 14 2003

SURVEYOR'S CERTIFICATE

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify I have surveyed a Tract of land more particularly described by legal description provided by the City of Kimball as follows:

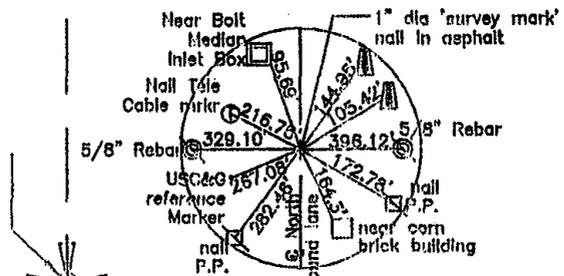
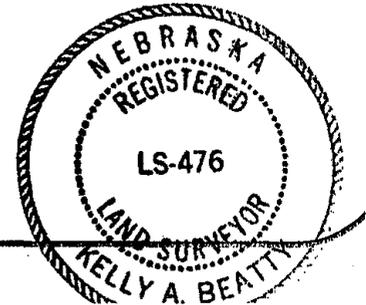
A Tract of land situated in Government Lot 4, Section 5, Township 15 North, Range 55 West of the 6th P.M., in Kimball County, Nebraska, more particularly described as follows:

Commencing at the Northwest Quarter Corner of Section 5, thence S00°00'00"E, upon an assumed bearing along the west line of said Section 5, a distance of 978.5 feet, thence N90°00'00"E, a distance of 84.9 feet to the intersection with the East Right of Way of Highway 71, said point of intersection being the point of beginning thence continuing along the last described course a distance of 150.00 feet, thence S00°01'48"E, a distance of 100.0 feet, thence S90°00'00"W, a distance of 150.00 feet to the said East Right of Way, thence N00°01'48"E, along said Right of Way, a distance of 100.00 feet.

That the accompanying plat is a true delineation of said survey drawn to a scale of 60 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown,

WITNESS MY HAND AND SEAL this 5th day of December, 20 03.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

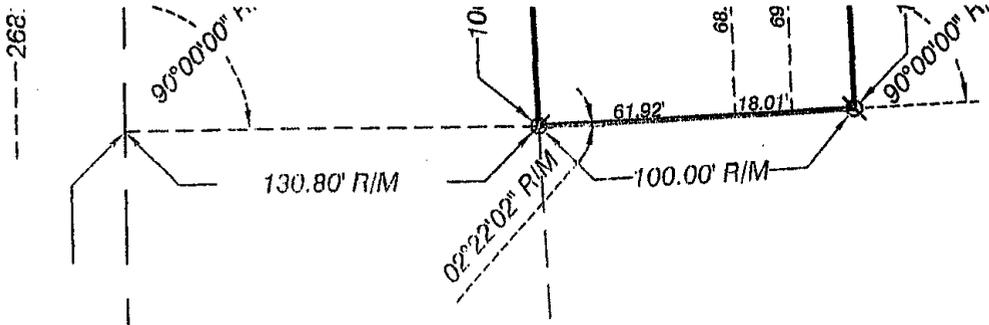

Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476



SOUTHWEST CORNER,
SECT. 5, T15N-R55W
EXIST. 1" DIA 'SURVEY
MARKER' IN ASPHALT

11 00 26-1-C-095192

Well 78-2



MAY 14 2003

SURVEYOR'S CERTIFICATE

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify I have surveyed a Tract of land more particularly described by legal description provided by the City of Kimball as follows:

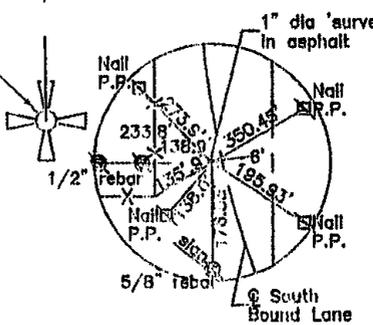
A Tract of land situated in the Southwest Quarter of Section 8, Township 15 North, Range 55 West of the 6th P.M., Kimball County, Nebraska, more particularly described as follows:

Commencing at the Southwest Corner of Section 8; thence, northerly on the west line of said section, a distance of 350.0 feet; thence, a deflection angle right of 90°00'00", a distance of 130.8 feet to the True Point of Beginning, said point of beginning being on the East Right of Way line of U.S. Highway No. 71 as monumented by existing Right of Way markers; thence, a deflection angle left of 02°22'02", a distance of 100.0 feet; thence, a deflection angle left of 90°00'00", a distance of 100.0 feet, thence, a deflection angle left of 90°00'00", a distance of 100.0 feet to a point on the aforementioned East Right of Way line of U. S. Highway No. 71; thence, a deflection angle left of 90°00'00" on said Right of Way line, a distance of 100.0 feet to the Point of Beginning, containing an area of 0.23 acres, more or less.

That the accompanying plat is a true delineation of said survey drawn to a scale of 60 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown.

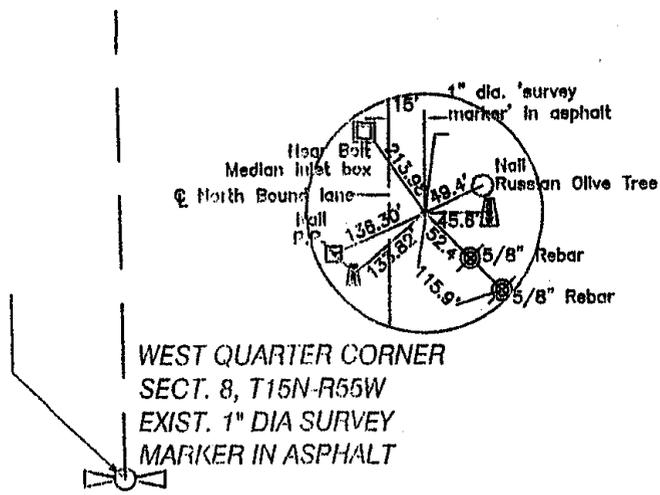
SOUTHWEST CORNER
SECT. 8, T15N-R55W
EXIST. 1" DIA 'SURVEY
MARKER' IN ASPHALT

WITNESS MY HAND AND SEAL this 5th day of December, 20 03.
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.



Kelly A. Beatty
Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476





WEST QUARTER CORNER
 SECT. 8, T15N-R55W
 EXIST. 1" DIA SURVEY
 MARKER IN ASPHALT



Scale in Feet

LEGEND



EXISTING SECTION CORNER, AS NOTED



EXISTING QUARTER CORNER, AS NOTED



SET 5/8" x 30" REBAR

MAY 14 2003

SURVEYOR'S CERTIFICATE

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify I have surveyed a Tract of land more particularly described by legal description provided by the City of Kimball, as follows:

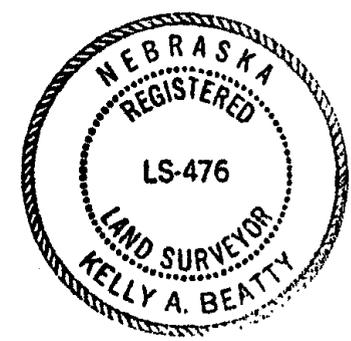
A Tract of land situated in the Northwest Quarter corner of Section 8, Township 15 North, Range 55 West of the 6th P.M., Kimball County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of Section 8, thence southerly on the west line of said Section, a distance of 60.0 feet; thence, a deflection angle left of 90°00'00", a distance of 61.7 feet to the True Point of Beginning, said point of beginning being on the East Right of Way line of U.S. Highway No. 71 as monumented by existing Right of Way markers; thence a deflection angle right 00°19'45", a distance of 150.0 feet; thence, a deflection angle right 90°00'00", a distance of 100.0 feet; thence, a deflection angle right of 90°00'00", a distance of 150.0 feet, to a point on the aforementioned East Right of Way line of U.S. Highway No. 71; thence a deflection angle right of 90°00'00" on said Right of Way line, a distance of 100.0 feet, to the point of beginning, containing an area of 0.34 acres, more or less.

That the accompanying plat is a true delineation of said survey drawn to a scale of 40 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown.

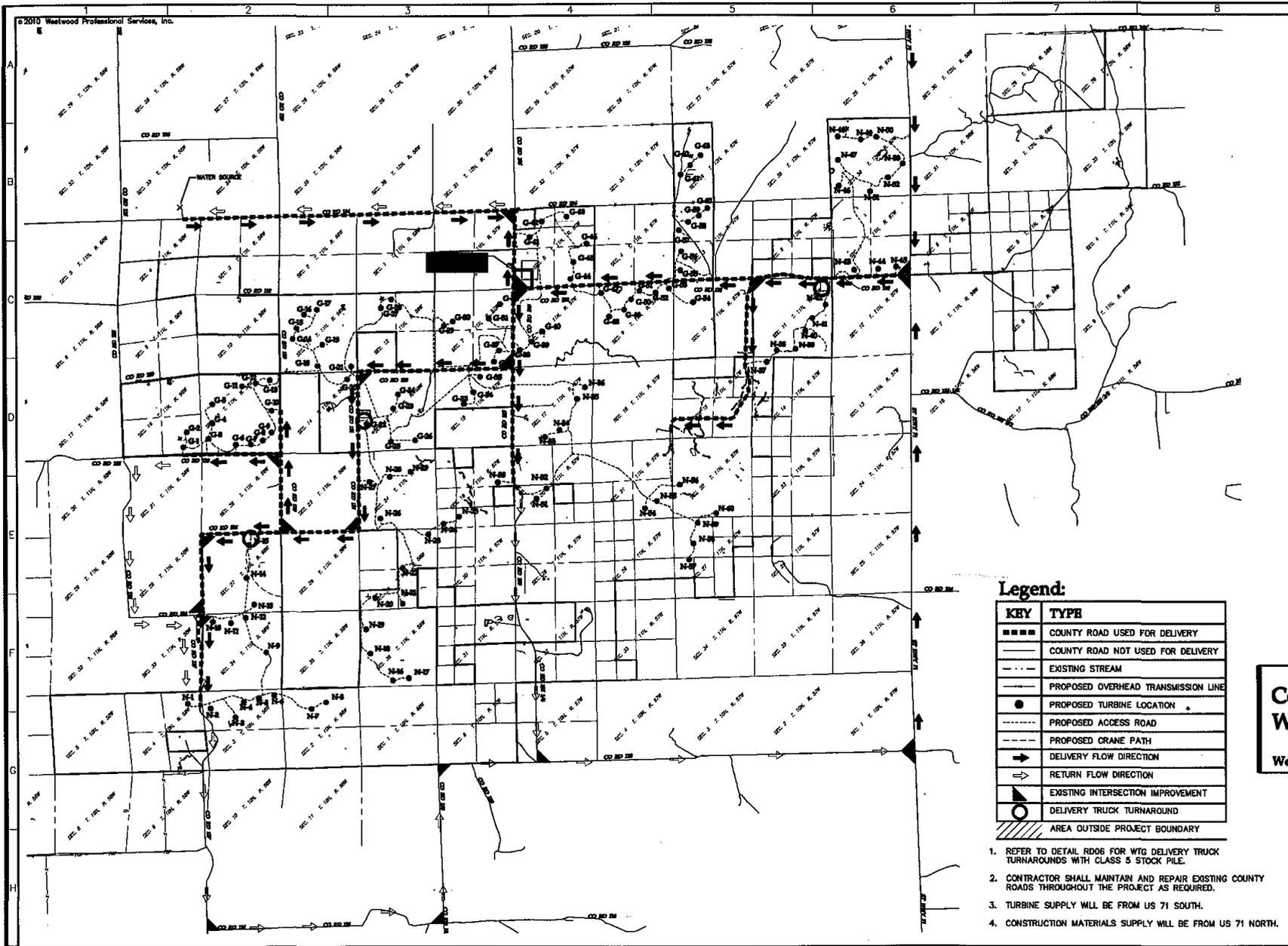
WITNESS MY HAND AND SEAL this 5th day of December, 20 03.
 FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

Kelly A. Beatty



Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476

Well 78-1



Drawn by: _____
 Checked by: _____
 Date: _____
 Revised Drawing by/Date: _____
 Revision: _____
 Date: _____
 Description: _____

Prepared for:
BLATTNER ENERGY
 392 County Road 53
 Avon, Colorado 80510



Legend:

KEY	TYPE
▣	COUNTY ROAD USED FOR DELIVERY
—	COUNTY ROAD NOT USED FOR DELIVERY
---	EXISTING STREAM
---	PROPOSED OVERHEAD TRANSMISSION LINE
●	PROPOSED TURBINE LOCATION
---	PROPOSED ACCESS ROAD
---	PROPOSED CRANE PATH
→	DELIVERY FLOW DIRECTION
⇄	RETURN FLOW DIRECTION
↗	EXISTING INTERSECTION IMPROVEMENT
○	DELIVERY TRUCK TURNAROUND
▨	AREA OUTSIDE PROJECT BOUNDARY

1. REFER TO DETAIL RD06 FOR WTG DELIVERY TRUCK TURNAROUNDS WITH CLASS 5 STOCK PILE.
2. CONTRACTOR SHALL MAINTAIN AND REPAIR EXISTING COUNTY ROADS THROUGHOUT THE PROJECT AS REQUIRED.
3. TURBINE SUPPLY WILL BE FROM US 71 SOUTH.
4. CONSTRUCTION MATERIALS SUPPLY WILL BE FROM US 71 NORTH.

Cedar Creek II Wind Project
 Weld County, Colorado

Delivery Flow Plan

99% Completion
NOT FOR CONSTRUCTION
 Turbine Access: Microdated 2010-05-26
 Date: 04/28/10
 Sheet 3 OF 40

MAY 14 2008 10