STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION MIP-5064 FOR

ADDING ADDITIONAL RETURN FLOW POINTS FOR POWER APPROPRIATIONS

WATER DIVISION 1-A

The Director of the Department of Natural Resources (Department) approves Petition MIP-5064 (Petition), submitted by The Central Nebraska Public Power and Irrigation District (Petitioner), for leave to add additional points of return flow for its power appropriations.

Background for Decision:

1. In accordance with Neb. Rev. Stat. § 46-250, Petitioner requested approval from the Department to add two (2) new return flow points in addition to the established return flow point for Petitioner's power appropriations.

2. Petitioner requested adding additional return flow points to be constructed along with proposed reservoirs that would be used to reregulate water diverted under existing power appropriations held by Petitioner. The existing and proposed points of return flow are depicted in a graphic with aerial photography background labeled as Attachment 1 to the Petition.

3. Petitioner secured acquiescence by the only appropriator directly affected by the potential Department action of approving a change in return flow points for its power appropriations. The Central Platte Natural Resources District (CPNRD) indicated in a letter dated April 25, 2014, (Attachment 2) that it is "amenable" to the proposed change as long as regular communication and annual reporting of the amount of water that bypasses the "three- to-four mile reach" of CPNRD's in-stream flow water appropriations are provided.

Conditions of Approval:

1. Petitioner is authorized to construct additional points of return flow at the locations depicted on Attachment 1 of Petition MIP-5064.

2. Petitioner must follow all relevant statutes during the construction of the additional return flow points. This includes, but is not limited to the requirements under the *Safety of Dams and Reservoirs Act*.

3. Petitioner is required to obtain all necessary permits prior to construction.

4. Petitioner must notify the Department when construction will begin and when construction is completed.

5. Within six months of the date of the completion of construction, Petitioner must file in the Department plans and specifications of the control structures used to return flow to the river.

6. Petitioner must follow all orders of the Department in the operation of the new return flow structures including, but not limited to measuring and reporting requirements, in order to ensure that other appropriators are not harmed and the operation of the new returns will not interfere with the State of Nebraska's or Petitioner's obligations under the terms of any interstate agreements or intrastate agreements or integrated management plans.

7. Petitioner must communicate and report the operations and flow information to the CPNRD and the Department as described in Attachment 2 of Petition MIP-5064.

DEPARTMENT OF NATURAL RESOURCES

August 29, 2014

Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Bridgeport, Nebraska. A copy of this Order was mailed on August 29, 2014, to the following:

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