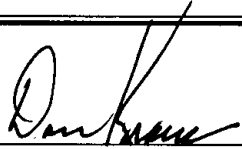


STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

PETITION TO THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES
FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW
SURFACE WATER APPROPRIATION WITHIN A MORATORIUM OR STAY AREA
UNDER TITLE 457 N.A.C. CHAPTER 23

Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing an X in the appropriate box. Attach supporting documentation and a \$10 non-refundable filing fee.		For Department Use Only	
1. Name and address of petitioner: The Central Nebraska Public Power and Irrigation District P.O. Box 740, 415 Lincoln Street Holdrege, NE 68949-0740 E-mail address: _____ Telephone No. (308)995-8601		Modification No.: VAR-4828 Date Filed: September 19, 2013 Time Filed: 4:58pm SW Appropriation No.: _____ (if applicable) Right ID No.: _____ (if applicable) Water Division: 1-A Receipt No.: A4144 Amount: \$10.00	
2. Check the situation that applies: <input type="checkbox"/> Application Already Filed Application Number: _____ <input checked="" type="checkbox"/> Application Not Filed (Enclose copy of proposed application)			
3. Description of proposed project: <u>Diversion of unappropriated water into the Phelps Canal and Funk Lagoon for the purpose of groundwater recharge.</u>			
4. The Proposed Project — (Check all that apply): <input type="checkbox"/> 001.01 — Is a non-consumptive use <input type="checkbox"/> 001.02 — Will replace (offset) any consumptive use (Attach Offset Plan) <input checked="" type="checkbox"/> 001.03 — Is for possible unappropriated water (Attach Analysis) <input type="checkbox"/> 001.04 — Existed before the stay or moratorium (Attach Proof) <input type="checkbox"/> 001.05 — Addresses a public safety issue (Attach Explanation) <input type="checkbox"/> 001.06 — Is a temporary use for public construction (<10 AF)			
5. Other reason why a variance should be granted: <u>The temporary right would allow CNPPID to assist the Platte River Recovery Implementation Program (PPRIP) by diverting water into the Phelps Canal and Funk Lagoon for groundwater recharge.</u>			
<u>9/19/13</u> Date		 Signature of Applicant (or authorized agent)	
		Don Kraus, P.E. General Manager	

Send to the following address (along with \$10 non-refundable filing fee):

State of Nebraska
Department of Natural Resources
301 Centennial Mall South / PO Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

MOD-09192013-218-2-FC+ (67)

**STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO APPROPRIATE WATER**

Complete items 1 through 10 by printing in ink or typing the appropriate information and by placing an X in the appropriate box.

For Department Use Only

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The Central Nebraska Public Power and Irrigation District
P.O. Box 740, 415 Lincoln Street
Holdrege, NE 68949-0740

Filed in the office of the Department of
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on _____

E-mail address: _____ Telephone No. (308) 995-8601

Application No. _____

2. Name, address, and telephone number of applicant if different than landowner.

Map No. _____

Water Division _____

Receipt No. _____ Amount _____

Right ID _____

E-mail address: _____ Telephone No. () _____

3a. A permit is sought to:

Use natural flow Use impounded water*

3b. A permit is sought for the purpose of:

Irrigation Manufacturing Domestic
 Other _____
 Temporary** Groundwater Recharge

4a. Identify the source of water (name of stream or reservoir).

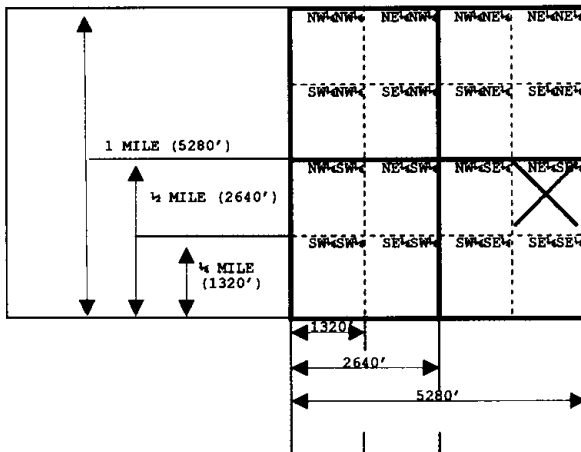
Platte River

4b. If applicable, identify the facility name for transporting water from the source (portable pump, name of canal or pipeline).

Phelps Canal

5. Identify the location of the Headgate Pump

Section 3, Township 8 North, Range 21 E W County Gosper



The box at left represents one square mile (section). Place an X within each appropriate 40-acre tract to indicate the location(s) of each headgate or pump.

If applicable, indicate the height, in feet, of any diversion or check dams on the line below.

* A separate permit to impound water must be obtained.

** A temporary permit maybe granted for a maximum of one year.

6. If applicable, identify the location of lands by 40-acre subdivisions that will be irrigated.

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
TOTAL NUMBER OF ACRES TO BE IRRIGATED:									0.0

Enclosed is an aerial photograph that I have marked to show the approximate location of land to be irrigated as described above.

7. State the approximate quantity of water desired for appropriation 450 cfs

Gallons per minute
 Cubic feet per second
 Acre-feet (impounded water)

8a. State the estimated time required for completion of all water diversion facilities.
12 months

8b. State the earliest date when water will have been used for beneficial purposes.
9-19-2013

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?
 No Yes If yes, explain: Groundwater recharge will be coordinated with the Platte River Recovery

Implementation Program (PRRIP).

10. I certify that am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

9/19/13 Date
Don Kraus Signature of owner or owner's authorized agent (with proper documentation)
 Don Kraus, P.E., General Manager

A final project map may accompany this application or must be filed within six months following departmental approval of this application, drawn in accordance with NAC Title 457 – Rules for Surface Water, Chapter 10, (http://dnr.ne.gov/SurfaceWater/Title_457_0608.pdf). At the request of the applicant, the Department will assist with preparation of the project map.

This form must be completed in full. An incomplete or defective application will be returned with 90 days being allowed for resubmission. Failure to resubmit a corrected application within this period shall cause dismissal of the application and consequent loss of priority and fees.

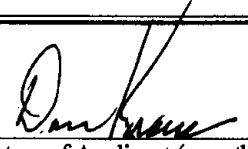
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 301 Centennial Mall South / P.O. Box 94676
 Lincoln, Nebraska 68509-4676
 (402) 471-2363

Nature of Use	Cost	Nature of Use	Cost
Domestic.....	\$10	Manufacturing	
Agricultural		General.....	\$10
Irrigation from Stream		Power Generation for each theoretical 50 horsepower	\$5
0-1,000 acres.....	\$200	Other	\$10
Each additional 1,000 acre unit	\$100		
or portion thereof in excess of the first 1,000 acre unit			
Irrigation from Storage Reservoir			
0-1,000 acres.....	\$50		
or portion thereof in excess of the first 1,000 acre unit			
Each additional 1,000 acre unit	\$25		
or portion thereof in excess of the first 1,000 acre unit			

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

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<p>2. Check the situation that applies:</p> <p><input type="checkbox"/> Application Already Filed Application Number: _____</p> <p><input checked="" type="checkbox"/> Application Not Filed (Enclose copy of proposed application)</p>	
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<p>9/19/13 Date</p>	<p> Signature of Applicant (or authorized agent)</p> <p>Don Kraus, P.E. General Manager</p>

Send to the following address (along with \$10 non-refundable filing fee):

State of Nebraska
Department of Natural Resources
301 Centennial Mall South / PO Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

copy filed by hand delivery 9-19-2013

**STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO APPROPRIATE WATER**

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P.O. Box 740, 415 Lincoln Street
Holdrege, NE 68949-0740

Filed in the office of the Department of
Natural Resources at _____ a.m./p.m.

on _____

Application No. _____

Map No. _____

Water Division _____

Receipt No. _____ Amount _____

Right ID _____

E-mail address: _____ Telephone No. (308) 995-8601

2. Name, address, and telephone number of applicant if different than landowner.

E-mail address: _____ Telephone No. () _____

3a. A permit is sought to:

Use natural flow Use impounded water*

3b. A permit is sought for the purpose of:

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4a. Identify the source of water (name of stream or reservoir).

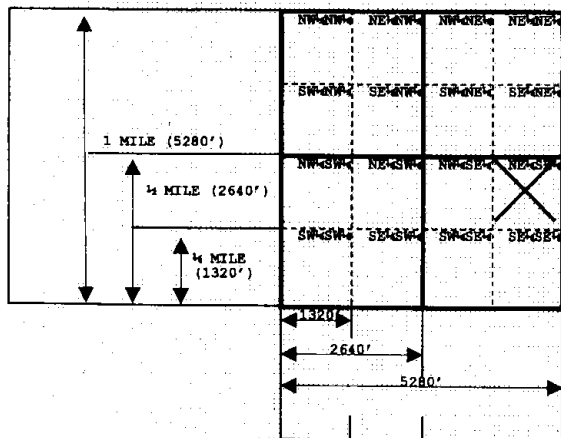
Platte River

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appropriation. 450 cfs

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8a. State the estimated time required for completion of all water diversion facilities.

12 months

8b. State the earliest date when water will have been used for beneficial purposes.

9-19-2013

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?

No Yes If yes, explain: Groundwater recharge will be coordinated with the Platte River Recovery

Implementation Program (PRRIP).

10. I certify that am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

9/19/13
Date

Don Kraus
Signature of owner or owner's authorized agent (with proper documentation)
Don Kraus, P.E., General Manager

A final project map may accompany this application or must be filed within six months following departmental approval of this application, drawn in accordance with NAC Title 457 – Rules for Surface Water, Chapter 10, (http://dnr.ne.gov/SurfaceWater/Title_457_0608.pdf). At the request of the applicant, the Department will assist with preparation of the project map.

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Agricultural		General.....	\$10
Irrigation from Stream		Power Generation for each theoretical 50 horsepower.....	\$5
0-1,000 acres.....	\$200	Other.....	\$10
Each additional 1,000 acre unit.....	\$100		
or portion thereof in excess of the first 1,000 acre unit			
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0-1,000 acres.....	\$50		
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Each additional 1,000 acre unit.....	\$25		
or portion thereof in excess of the first 1,000 acre unit			

copy filed



CENTRAL

*Nebraska Public Power
and Irrigation District*

SUPPORTING DOCUMENTS FOR:

**PETITION FOR LEAVE TO FILE AN
APPLICATION FOR A TEMPORARY PERMIT TO APPROPRIATE WATER
FOR GROUNDWATER RECHARGE ON THE**

**PHELPS CANAL
and
FUNK LAGOON/WATERFOWL PRODUCTION AREA
in
Gosper, Phelps and Kearney Counties**

VAR-4828

**SUBMITTED BY
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
TO
STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES**

OCTOBER 14, 2013

**INCLUDES PRELIMINARY COPY OF:
APPLICATION FOR A PERMIT TO APPROPRIATE WATER
FOR TEMPORARY GROUNDWATER RECHARGE**

**STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES
APPLICATION FOR A PERMIT TO APPROPRIATE WATER**

*10-18-13
8:00 A.M.
No money rec'd.*

Complete items 1 through 10 by printing in ink or typing the appropriate information and by placing an X in the appropriate box.

For Department Use Only

1. Name and address of owner of land under proposed project. Names must be exactly as described on the deed or document transferring ownership of property. Landowner must sign the application.

The Central Nebraska Public Power and Irrigation District
P.O. Box 740, 415 Lincoln Street
Holdrege, NE 68949-0740

Filed in the office of the Department of

Natural Resources at _____ a.m./p.m.

on _____

Application No. _____

Map No. _____

Water Division _____

Receipt No. _____ Amount _____

Right ID _____

E-mail address: _____ Telephone No. (308) 995-8601

2. Name, address, and telephone number of applicant if different than landowner.

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3b. A permit is sought for the purpose of:

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4a. Identify the source of water (name of stream or reservoir).

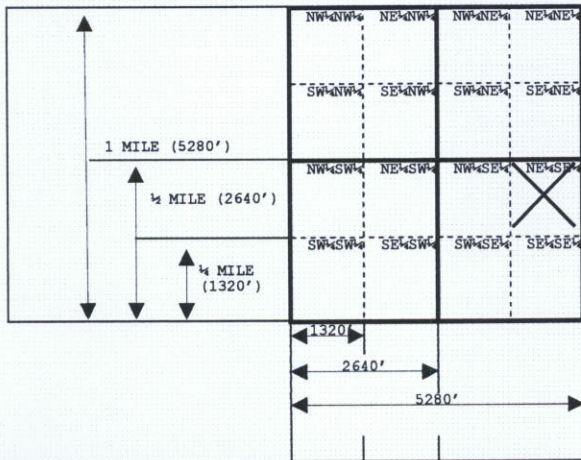
Platte River

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TOTAL NUMBER OF ACRES TO BE IRRIGATED:									0.0

Enclosed is an aerial photograph that I have marked to show the approximate location of land to be irrigated as described above.

7. State the approximate quantity of water desired for appropriation. 600 cfs

<input type="checkbox"/>	Gallons per minute
<input checked="" type="checkbox"/>	Cubic feet per second
<input type="checkbox"/>	Acre-feet (impounded water)

8a. State the estimated time required for completion of all water diversion facilities. <u>12 months</u>	8b. State the earliest date when water will have been used for beneficial purposes. <u>9-19-2013</u>
---	---

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?
 No Yes If yes, explain: Groundwater recharge will be coordinated with the Platte River Recovery Implementation Program (PRRIP).

10. I certify that am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate.

10-15-13 Date Don Kraus Signature of owner or owner's authorized agent (with proper documentation) Don Kraus, P.E., General Manager

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or portion thereof in excess of the first 1,000 acre unit			
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0-1,000 acres.....	\$50		
or portion thereof in excess of the first 1,000 acre unit			
Each additional 1,000 acre unit.....	\$25		
or portion thereof in excess of the first 1,000 acre unit			

Cory Steinke

From: Cory Steinke <csteinke@cnppid.com>
Sent: Monday, September 30, 2013 4:41 PM
To: 'beth.eckles@nebraska.gov'; 'mike.thompson@nebraska.gov'
Cc: Mike Drain (mdrain@cnppid.com); Dave Ford (dford@cnppid.com); Don Kraus (dkraus@cnppid.com); 'Debbie Lerma (dlerma@cnppid.com)'
Subject: Ammendments to Temp Groundwater Recharge Water Right Applications Var-4828 and Var-4829

Mike and Beth,

On September 19, 2013, Central submitted temporary groundwater recharge water right applications that were given the following reference numbers: Var-4828 and Var-4829. I would like to amend those applications to reflect some changes in diversion rate and recharge areas.

1. I would like to amend the diversion rate from 450 cfs to 600 cfs for Var-4828 (Temporary permit for groundwater recharge on the Phelps Canal and in Funk Lagoon).
2. I would also like to amend the recharge area on Var-4829 (Temporary permit for groundwater recharge on the E65 canal and Elwood Reservoir) to include the Cottonwood WAP.

Let me know if you have any questions about these amendments.

Cory

Cory Steinke, PE
Civil Engineer
Central Nebraska Public Power and Irrigation District
308-995-3542 work
308-991-0341 cell

5 Lincoln St.
P.O. Box 740
Holdrege, NE 68949-0740



Phone: (308) 995-8601
Fax: (308) 995-5705
Web: www.cnppid.com

VIA Certified Mail
7002 2030 0002 0084 9494

October 16, 2013

Mike Thompson
Nebr. Department of Natural Resources
P.O. Box 94676
Lincoln, NE 68509-4676

Subject: Supporting Documents for Petition for Leave to File an Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal and Funk Lagoon/Waterfowl Production Area in Gosper, Phelps and Kearney Counties – VAR-4828

Enclosed please find a 3-ring binder containing supporting documents for Central's filing designated as VAR-4828. The documents include:

- ✓ Petition for Leave to File - file date September 19, 2013 – VAR-4828;
- ✓ Application for a Temporary Permit to Appropriate Water – dated October 15, 2013. Item 7. of this application requests a quantity of 600 cfs.;
- ✓ Cory Steinke's September 30, 2013, email to you requesting the diversion rate be amended from 450 cfs to 600 cfs; and
- ✓ A Report to Accompany the Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal and Funk Lagoon/Waterfowl Production Area in Gosper, Phelps and Kearney Counties.

Any notices regarding this application should be sent to Cory Steinke, P.E., CNPPID, PO Box 740, Holdrege, NE 68949-0740.

Sincerely,

A handwritten signature in black ink that reads "Don Kraus". The signature is written in a cursive, flowing style.

Don Kraus, P.E.
General Manager

dl
Enclosures

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

PETITION TO THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES

FOR LEAVE TO FILE OR CONSIDER AN APPLICATION FOR A NEW
SURFACE WATER APPROPRIATION WITHIN A MORATORIUM OR STAY AREA
UNDER TITLE 457 N.A.C. CHAPTER 23

Corrected filed 10/18/2013

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1. Name and address of petitioner:
The Central Nebraska Public Power and Irrigation District
P.O. Box 740, 415 Lincoln Street
Holdrege, NE 68949-0740

E-mail address: _____ Telephone No. (308) 995-8601

Modification No.: VAR-4828
Date Filed: September 19, 2013
Time Filed: 4:58 PM
SW Appropriation No.: _____
(if applicable)
Right ID No.: _____
(if applicable)
Water Division: 1-A
Receipt No.: A-4144
Amount: 10.00

2. Check the situation that applies:
 Application Already Filed Application Number: _____
 Application Not Filed (Enclose copy of proposed application)

3. Description of proposed project:
Diversion of unappropriated water into the Phelps Canal and Funk Lagoon for the purpose of groundwater recharge.

4. The Proposed Project — (Check all that apply):

- 001.01 — Is a non-consumptive use
- 001.02 — Will replace (offset) any consumptive use (Attach Offset Plan)
- 001.03 — Is for possible unappropriated water (Attach Analysis)
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The temporary right would allow CNPPID to assist the Platte River Recovery Implementation Program (PPRIP) by diverting water into the Phelps Canal and Funk Lagoon for groundwater recharge.

9/19/13 _____
Date Signature of Applicant (or authorized agent)
Don Kraus, P.E. General Manager

Send to the following address (along with \$10 non-refundable filing fee):
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Department of Natural Resources
301 Centennial Mall South / PO Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

PETITION

APPLICATION

CNPPID's Intentions

Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal and Funk Lagoon/Waterfowl Production Area in Gosper, Phelps and Kearney Counties

The applicant, The Central Nebraska Public Power and Irrigation District (CNPPID) intends to divert Platte River flows in excess of the U.S. Fish and Wildlife Service's Target Flows (target flows) and state protected flows (as defined in the Nebraska New Depletions Plan) for the purpose of groundwater recharge on the Phelps Canal and Funk Lagoon/Waterfowl Production Area for the Platte River Recovery Implementation Program (PRRIP), Nebraska Department of Natural Resources (Department), and Tri-Basin Natural Resources District (TBNRD).

Only at those times when flow in the Platte River exceeds the quantity necessary to satisfy target flows and state protected flows would diversion occur. Included with CNPPID's Petition For Leave is the Platte River Hydraulic Analysis showing that CNPPID expects unappropriated flows in the Platte River.

The hydraulic analysis and description of excess flows or unappropriated water in the Platte River is based on an assumption that, because of the Platte River Recovery Implementation Program, any new appropriations to Platte River water may be limited to only being able to divert water in excess of U.S. Fish and Wildlife Service's "Target Flows." CNPPID is unaware of any formalization of a requirement to protect Target Flows in the seeking or granting of new appropriations. Therefore, CNPPID wants to clarify that this petition requests the next available water in the Platte River based on priority and submission date and that any limitations regarding Target Flows would be those requirements that may be shared by all future appropriations, or as otherwise may be required as a matter of law.

Diversion for groundwater recharge into CNPPID's Phelps Canal would not exceed 600 cfs. The proposed area of groundwater recharge will be the Phelps Canal and Funk Lagoon/Waterfowl Production Area as shown on the attached map (Map 2).

REPORT

REPORT TO ACCOMPANY

THE

APPLICATION FOR A TEMPORARY PERMIT
TO APPROPRIATE WATER FOR GROUNDWATER RECHARGE
ON THE PHELPS CANAL AND
FUNK LAGOON/WATERFOWL PRODUCTION AREA
IN GOSPER, PHELPS AND KEARNEY COUNTIES

October 2013

SUBMITTED BY

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

TO

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

REPORT TO ACCOMPANY
THE
APPLICATION FOR A TEMPORARY PERMIT
TO APPROPRIATE WATER FOR GROUNDWATER RECHARGE
ON THE PHELPS CANAL AND
FUNK LAGOON/WATERFOWL PRODUCTION AREA
IN GOSPER, PHELPS AND KEARNEY COUNTIES

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EXHIBITS

Exhibit 1 The CD contains the following documents and data:

- (1) Cover Letter
- (2) Petition for Leave Form
- (3) Application for a Permit to Appropriate Water Form
- (4) CNPPID's Intentions
- (5) Report to Accompany the Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal and Funk Lagoon/Waterfowl Production Area in Gosper, Phelps and Kearney Counties
- (6) Platte River Hydraulic Analysis Summary Document (See Exhibit 2 for the printed document.)
- (7) Spreadsheet of Platte River Hydraulic Analysis of Flows in the Platte River

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- Exhibit 2 A summary of the Platte River Hydraulic Analysis of Flows in the Platte River and associated spreadsheet. The data analysis is on the CD in Exhibit 1.
- Exhibit 3, Part 1 Water Service Agreement between CNPPID, Nebraska Department of Natural Resources, and Tri-Basin Natural Resources District for recharge on Phelps Canal, dated the 20th day of September, 2013.
- Exhibit 3, Part 2 Water Service Agreement between CNPPID, Nebraska Community Foundation, and Platte River Recovery Implementation Program for recharge on Phelps Canal, dated the 19th day of September, 2013.
- Exhibit 3, Part 3 Water Service Agreement between CNPPID, Nebraska Community Foundation, and Platte River Recovery Implementation Program for recharge on Funk Lagoon/Waterfowl Production Area, dated the 20th day of September, 2013.

MAPS

- Map 1 CNPPID - SUPPLY CANAL AND LAKES
LINCOLN, DAWSON AND GOSPER COUNTIES
Drawing No. SC-LAKES1
Date: 11/19/98
- Map 2 PLATTE RIVER EXCESS FLOWS FOR RECHARGE
IN PHELPS CANAL AND FUNK LAGOON
IN GOSPER, PHELPS & KEARNEY COUNTIES NEBRASKA
Drawing No. XSFLOW_FNK_2013
Date: 9/20/2013

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

REPORT TO ACCOMPANY THE APPLICATION FOR A TEMPORARY PERMIT TO APPROPRIATE WATER FOR GROUNDWATER RECHARGE ON THE PHELPS CANAL AND FUNK LAGOON/WATERFOWL PRODUCTION AREA IN GOSPER, PHELPS AND KEARNEY COUNTIES

Project Description

Parties in the Platte River Basin are in need of projects that can retime excess flows in the Platte River or develop offsets for streamflow depletions. Studies have shown that recharge projects may be able to retime flows in the Platte River for beneficial uses. CNPPID has existing facilities (canals) that can accomplish these needs. However, excess river flows and canal capacities are typically only available in the non-irrigation season. This application requests a temporary water appropriation for diverting water for the purpose of groundwater recharge on the Phelps Canal and Funk Lagoon/Waterfowl Production Area (WPA) in the non-irrigation season for the Platte River Recovery Implementation Program (PRRIP), Nebraska Department of Natural Resources (Department), and Tri-Basin Natural Resources District (TBNRD)¹. The project will use Platte River flows in excess of the U.S. Fish and Wildlife Service's Target Flows² and state protected flows (as defined in the Nebraska New Depletions Plan). A Platte River Hydraulic Analysis summary, which shows the availability of excess flows, and an analysis showing Supply Canal diversions are included in Exhibit 2 of this Report with the data analysis included on the CD in Exhibit 1.

CNPPID will divert surface water from the Platte River at CNPPID's Diversion Dam, near North Platte, Nebraska, through the Supply Canal into the Phelps Canal for the purpose of groundwater recharge. Excess flows will also be conveyed through the Phelps Canal and for recharge on Funk Lagoon/WPA. Because CNPPID already utilizes these same facilities for diversion under other more senior appropriations for hydropower production, no additional water would be diverted from the Platte River at the point of diversion under this appropriation. However, under this appropriation the water so diverted would then be further diverted into the Phelps Canal, rather than being returned to the Platte River at the Johnson No. 2 River Return (J2 Return), so long as excess water is available.

¹ Agreements between CNPPID, TBNRD, PRRIP, and the Department are included in Exhibit 3 to this Report.

² Taken from the Nebraska Depletions Plan, Platte River Recovery Implementation Program, Attachment 5, Section 8, December 7, 2005, pg 4.

Temporary Application

CNPPID would like to take advantage of available excess flows in the Platte River and seeks a temporary water right permit for the purpose of groundwater recharge for the PRRIP, the Department, and the TBNRD. This temporary permit request is for one year from the date that the request may be granted by the Department. The hydraulic analysis (Exhibit 2) shows that the Platte River will most likely produce flows in excess of instream flow rights and the U.S. Fish and Wildlife Service's (FWS) target flows in the non-irrigation season. This temporary right would enable CNPPID to divert those excess flows for groundwater recharge on the Phelps Canal and Funk Lagoon/WPA.

Project Facilities

CNPPID's Diversion Dam is located just below the confluence of the North Platte River and the South Platte River, approximately 50 miles downstream from Kingsley Dam. The Diversion Dam near North Platte is a combination concrete ogee spillway and radial gate structure extending 874 feet across the Platte River. The Diversion Dam diverts the natural streamflow of the North Platte River and the South Platte River and storage water releases from Lake McConaughy into the headgates of CNPPID's 75.5-mile-long Supply Canal.

The Supply Canal has a capacity of 2,250 cfs and extends from the Diversion Dam to the J2 Return, located south and east of Lexington. The Supply Canal diverts water on a year-round basis and furnishes water for CNPPID's three hydroelectric generating power plants and the cooling water for Nebraska Public Power District's Canaday Steam Plant. Jeffrey Reservoir and Johnson Reservoir are located along the Supply Canal and serve as regulating reservoirs. The Diversion Dam and Supply Canal are shown on Map 1.

The Phelps Canal is CNPPID's largest irrigation canal on the Supply Canal system. It begins at the J2 Return and consists of 56.9 miles of main canal and 235.6 miles of distribution laterals and buried pipelines. It provides water to land (56,467 irrigated acres in 2012) in Gosper, Phelps, and Kearney Counties.

Platte River Diversion Operations and Data – Non-Irrigation Season

CNPPID holds permits to divert natural flow and storage water from the Platte River into the Supply Canal for the purposes of irrigation, power production and instream flows for fish and wildlife. CNPPID normally diverts all water that is available at the Diversion Dam into the Supply Canal up to a 2,250 cfs capacity and all remaining water is passed downstream of the Diversion Dam into the Platte River. Tables 1 and 2 show historic non-irrigation season (September through March) diversions into the Supply Canal and flows passing the Diversion Dam.

Table 1 Non-Irrigation Season Supply Canal Diversions

Supply Canal Diversion, af							
Water Year	October	November	December	January	February	March	September
1991	42163	39757	41190	53640	72320	63478	65362
1992	52345	55492	58890	67370	85830	125167	74407
1993	54445	54967	69510	79380	81760	129999	77575
1994	104828	88982	102450	96970	91010	90741	53499
1995	61861	52103	60980	63060	56970	61772	129503
1996	131308	120617	92480	91140	99300	117356	130078
1997	116471	123731	100620	94460	109520	133351	131328
1998	135057	126349	131060	122370	122260	132180	129999
1999	134541	126944	108240	107130	115580	126646	131109
2000	134957	129899	131260	133811	125845	130832	70135
2001	61479	63325	56212	75908	76594	72552	71356
2002	42768	45160	64780	61810	53970	61389	42318
2003	40926	39267	38330	39320	35550	40473	31968
2004	19895	19418	21166	24234	28398	30984	31930
2005	21033	25268	27648	29094	26175	29725	25446
2006	27590	25052	30626	32806	27000	36790	23836
2007	28503	26807	28934	28779	35585	42923	24413
2008	27882	26317	28853	34557	33283	32367	29570
2009	42471	32034	27532	36086	32490	32158	48867
2010	69282	79872	57991	79266	55678	91164	130820
2011	134805	128795	118111	91826	93161	132970	131367
2012	134785	127460	120617	112996	120004	105596	57089

Table 2 Non-Irrigation Season Flow Passing Tri-County Diversion

Flows Passing the Tri-County Diversion Dam, af							
Water Year	October	November	December	January	February	March	September
1991	0	0	7570	3460	3830	0	0
1992	0	0	3490	3250	3690	0	0
1993	0	0	3380	14160	6890	0	0
1994	0	0	3050	9230	6430	0	0
1995	0	0	2960	3760	3100	3490	39770
1996	19900	6170	4530	9440	16560	13654	94210
1997	35910	6090	13290	13490	5070	21040	57370
1998	70260	76150	63080	70930	48770	77170	75313
1999	4245	5312	16410	45220	0	0	145061
2000	83134	39599	42050	51972	43603	25813	0
2001	10	0	0	0	0	0	0
2002	0	0	0	244	0	0	103
2003	0	0	6	0	0	6	0
2004	0	516	0	0	0	0	0
2005	0	0	0	0	0	0	0
2006	0	0	0	0	0	0	0
2007	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0
2009	0	0	0	0	0	0	0
2010	0	0	1259	2153	1002	175	26843
2011	13248	6817	9303	10336	14870	92034	167891
2012	96118	25046	38890	42921	27267	6581	0

Winter diversions into the Supply Canal are typically for power production uses. If the Environmental Account Manager wishes to release Environmental Account water in the non-irrigation season, CNPPID would also divert that water if possible into the Supply Canal. Water only passes the Tri-County Diversion Dam if the Supply Canal is diverting at capacity, icing or maintenance issues exists along the Supply Canal, or if CNPPID is in an agreement with another agency to intentionally bypass water past the Supply Canal. The temporary permit request will not change any of CNPPID's historic or future diversion operations. CNPPID will continue to divert all flows possible and pass any remaining flows down the Platte River.

Proposed Non-Irrigation Season Phelps Canal Operations

CNPPID intends to divert water into Phelps Canal and Funk Lagoon/WPA during the non-irrigation season for the purpose of groundwater recharge. The proposed areas of recharge are shaded on the attached map (Map 2). All flows diverted for groundwater recharge will be measured by a Parshall Flume at Milepost 1.6 (MP 1.6) on the Phelps Canal. The canal will be filled to normal operating levels down to MP 13.3 and then a lower constant flow will be run through the canal to maintain levels to MP 13.3 and supply water downstream for recharge on the Phelps Canal and in Funk Lagoon/WPA. The recharge operations could last from September through March if no problems are encountered with canal operations or elevated groundwater levels.

Rate of Diversions

The Phelps Canal capacity is 1,000 cfs, but for the purpose of groundwater recharge, diversions shall not exceed a peak flow of 600 cfs. Flows of up to 600 cfs will be diverted to fill the canal sections, and then reduced to match seepage losses along the canal and in Funk Lagoon/WPA.

Reduction of J2 Return Flows

CNPPID diverts water through its Supply Canal during the non-irrigation season for hydropower production. Diverting surface water in the non-irrigation season for groundwater recharge only slightly modifies the operations of CNPPID's system, primarily reducing the amount of water returned to the Platte River at the J2 Return.

CNPPID is requesting to divert excess flows into the Phelps Canal in this temporary permit request. Excess flows are flows in the Platte River that are in excess of target flow requirements established by the FWS for the PRRIP and in excess of that needed by existing surface water appropriations. A hydraulic analysis is included in this packet (Exhibit 2) that illustrates that excess flows at the J2 Return are present. The Department also has published a report, "Evaluation of Historic Platte River Streamflow in Excess of State Protected Flows and Target Flows," which also shows the presence of excess flows at the J2 return. Since the permit accompanying this temporary request is only requesting to divert into the Phelps Canal at times when excess flows are present and diversions are not to exceed the amount of excess flows

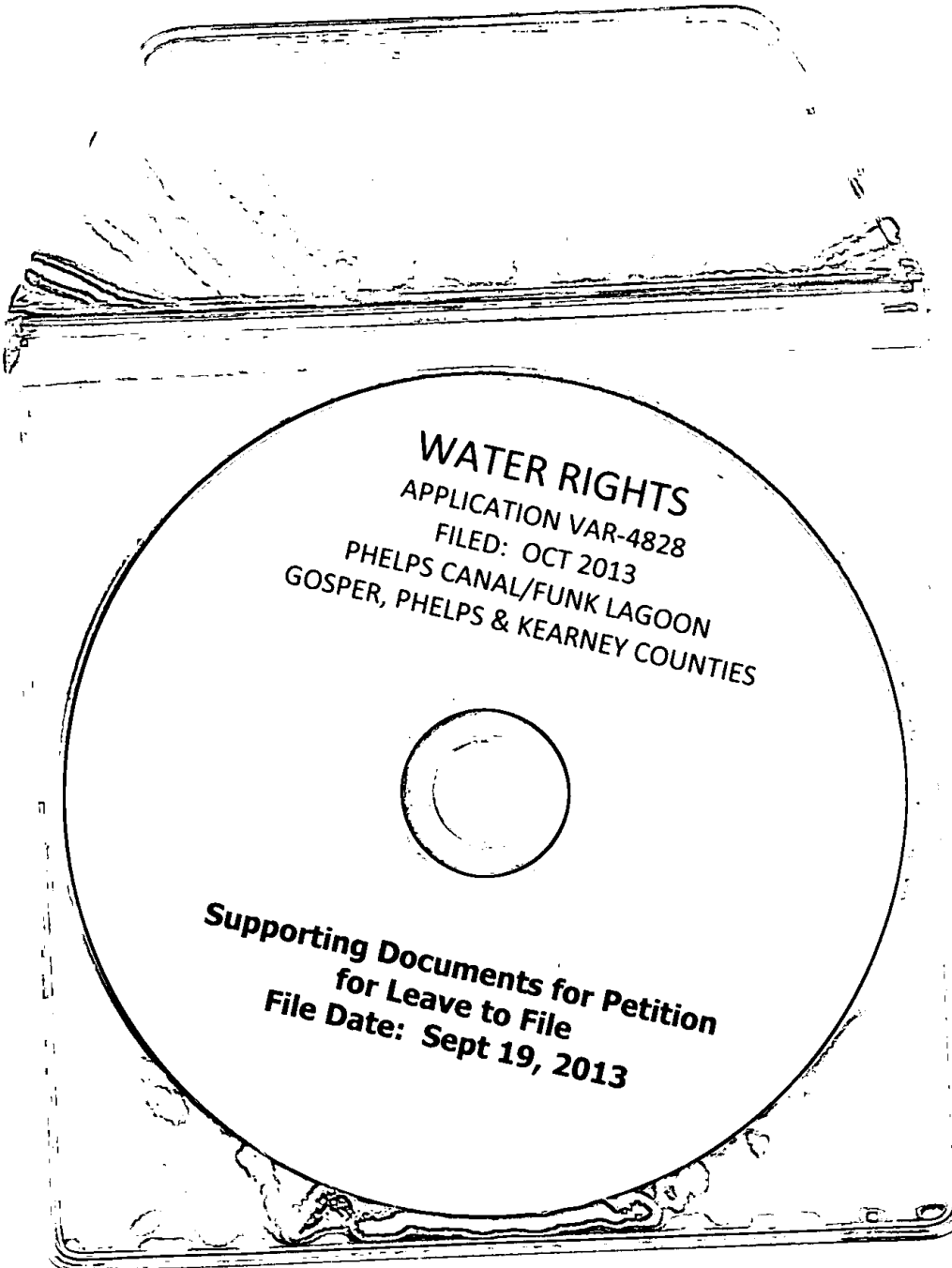
present at any given time, any depletion to J2 Return flows during times of diversion under this temporary permit would not cause harm to any existing surface water appropriations or target flows.

Expected Benefits

The permit associated with this temporary request is for the diversion of natural flow into the Phelps Canal for the purpose of groundwater recharge on the Phelps Canal and Funk Lagoon/WPA for the PRRIP, the Department, and the TBNRD. Expected benefits of these diversions are to help reduce the shortages to FWS target flows and assist local Natural Resources Districts and the State of Nebraska in offsetting the impacts of some of the uses which have occurred subsequent to 1997, as required by the PRRIP and LB962.

The PRRIP was developed on January 1, 2007, by the governors of Nebraska, Colorado and Wyoming and the U.S. Secretary of the Interior to provide defined benefits for four threatened or endangered species using the Platte River Basin. LB 962 was adopted by the Nebraska Legislature in 2004 calling for the management, conservation, and beneficial use of hydrologically connected groundwater and surface water. LB 962 requires the development of integrated management plans and offsets for streamflow depletions caused by post July 1, 1997, uses with additional offsets that may be needed to return overappropriated basins to fully appropriated conditions.

EXHIBIT 1



WATER RIGHTS
APPLICATION VAR-4828
FILED: OCT 2013
PHELPS CANAL/FUNK LAGOON
GOSPER, PHELPS & KEARNEY COUNTIES

**Supporting Documents for Petition
for Leave to File
File Date: Sept 19, 2013**

EXHIBIT 2

Platte River Hydraulic Analysis

The Central Nebraska Public Power and Irrigation District (CNPPID) analyzed Platte River flows at Grand Island, North Bend and Louisville over sixteen years (1996-2011) to illustrate the availability of unappropriated water in the Platte River. CNPPID identified the U.S. Fish and Wildlife Service's Target Flows and state protected flows (as defined in the Nebraska New Depletions Plan) as flow requirements that must be exceeded prior to distinguishing unappropriated water. These flow requirements vary throughout the year with the target flows differing for type of year (wet, average, and dry) also.

For the purpose of this hydraulic analysis, CNPPID analyzed the flows in the Platte River that exceed the higher of the "wet" condition daily target flows and instreamflow appropriations (such as, Central Platte Natural Resource District's appropriations (A-17004 through A-17009), and Nebraska Game and Parks Commission's appropriations (A-17329 through A-17332)). This analysis conservatively quantifies the amount of excess water available at Grand Island because of the use of the "wet" target flow criteria. Actual conditions for most of, if not all of, the drought cycle were classified as "dry" conditions, therefore the target flows would have been lower and more unappropriated water was in the Platte River than shown in this analysis. CNPPID acknowledges that the state protected flows include Water Action Plans that may utilize some of the unappropriated water in the Platte River, but due to the uncertainty of the projects and required flows, they were not included in this analysis.

The analysis consists of sixteen years of data, 1996 to 2011, to cover a time frame that includes both wet/average years (1996 to 2001, 2009 to 2011) and dry years (2002 to 2008). The attached Platte River Hydraulic Analysis Summary shows the number of days that the Grand Island, North Bend and Louisville river flow exceeds the requirements, the annual amount of unappropriated water at each location, and the annual amount of unappropriated water available at CNPPID's J2 Return for the sixteen-year period.

The analysis shows unappropriated water in the Platte River for all but two years at Grand Island and every year at North Bend and Louisville. It is evident that the limiting factor for available unappropriated water at the J2 Return is the flow requirements and flow conditions at Grand Island. There seems to be around one-third of the amount of unappropriated water at Grand Island as there is at North Bend and Louisville over the analyzed period.

Days of Excess at Grand Island (Using FWS "Wet" Target Flows, NGPC and CPNRD rights)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
1996	24	7	8	2	14	17	27	30	29	20	18	31	227
1997	31	10	7	16	10	17	10	22	29	28	30	31	241
1998	31	18	12	30	20	15	11	18	30	0	30	31	246
1999	31	14	5	13	21	30	15	27	30	31	30	31	278
2000	31	15	15	17	9	7	8	1	0	0	12	10	125
2001	28	4	7	3	13	0	4	6	13	0	4	29	111
2002	26	0	4	0	0	0	0	0	0	0	0	0	30
2003	1	0	0	0	0	0	0	0	0	0	0	1	2
2004	0	0	0	0	0	0	0	0	0	0	0	0	0
2005	0	0	0	0	6	5	0	0	0	0	0	0	11
2006	0	0	0	0	0	0	0	0	0	0	0	3	3
2007	2	0	0	5	1	5	10	13	0	0	0	4	40
2008	4	0	0	0	14	14	8	0	0	4	13	1	58
2009	9	0	0	4	0	10	8	0	1	3	21	18	74
2010	30	4	14	0	12	18	31	27	24	0	15	31	206
2011	28	8	22	30	29	30	31	31	30	31	30	31	331
Grand Total	276	80	94	120	149	168	163	175	186	117	203	252	1983

Days of Excess at North Bend (Using NGPC Instream flow rights)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
1996	26	29	31	30	31	30	31	31	30	31	30	24	354
1997	31	28	31	30	31	30	20	22	30	31	30	31	345
1998	24	28	30	30	31	30	31	31	30	31	30	31	357
1999	31	28	31	30	31	30	31	30	30	31	30	31	364
2000	31	29	31	30	31	30	28	16	25	31	30	25	337
2001	31	28	31	30	31	28	20	18	29	31	30	26	333
2002	30	21	25	30	31	24	0	3	11	30	29	28	262
2003	14	25	31	30	31	30	7	0	11	26	30	16	251
2004	0	13	31	30	26	30	22	5	13	30	30	26	256
2005	15	28	31	30	31	30	10	12	13	28	27	24	279
2006	31	24	31	30	12	6	0	8	25	31	29	25	252
2007	20	28	31	30	31	30	27	31	30	31	30	31	350
2008	31	29	31	30	31	30	31	17	17	29	30	22	328
2009	31	28	31	30	31	30	31	31	30	31	30	7	341
2010	29	28	31	30	31	30	31	31	30	31	30	31	363
2011	31	28	31	30	31	30	31	31	30	31	30	31	365
Grand Total	406	422	489	480	472	448	351	317	384	484	475	409	5137

Days of Excess at Louisville (Using NGPC Instream flow rights)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
1996	22	26	31	30	31	30	31	31	30	31	30	25	348
1997	31	28	31	30	31	30	23	20	30	31	30	31	346
1998	31	28	31	30	31	30	31	31	30	31	30	30	364
1999	31	28	31	30	31	30	31	31	30	31	30	31	365
2000	31	29	31	30	31	30	30	5	1	17	30	28	293
2001	31	28	31	30	31	29	24	10	24	31	30	24	323
2002	31	19	25	30	31	13	0	5	2	12	25	18	211
2003	13	15	29	30	31	30	11	0	5	0	4	11	179
2004	3	14	31	28	17	30	22	0	9	4	30	18	206
2005	18	28	31	30	31	30	10	2	0	0	11	23	214
2006	31	22	31	30	13	3	0	3	21	19	19	20	212
2007	22	28	31	30	31	30	20	31	30	31	30	31	345
2008	31	29	31	30	31	30	31	28	28	31	30	25	355
2009	31	28	31	30	31	30	31	31	30	31	30	7	341
2010	31	28	31	30	31	30	31	31	30	31	30	31	365
2011	31	28	31	30	31	30	31	31	30	31	30	31	365
Grand Total	419	406	488	478	464	435	357	290	330	362	419	384	4832

Excesses available at J2 on days of Excess at Grand Island, af

Sum of Available													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
1996	20033	6942	5891	60	24734	31115	26515	53257	74857	35961	46037	51730	377133
1997	43530	4364	7359	5236	8093	23584	922	39868	62189	51087	83966	111506	441704
1998	92356	54407	33700	88702	41747	16019	13083	34008	25069	0	62282	64008	525380
1999	76771	18090	1924	6665	44981	79260	20583	63049	80158	47452	71503	108385	618819
2000	113182	33366	21303	4126	9750	7815	9193	40	0	0	3466	5990	208231
2001	31438	1507	4146	1944	15327	0	2321	3372	14202	0	1210	17792	93259
2002	21640	0	793	0	0	0	0	0	0	0	0	0	22433
2003	198	0	0	0	0	0	0	0	0	0	0	0	198
2004	0	0	0	0	0	0	0	0	0	0	0	0	0
2005	0	0	0	0	2633	4046	0	0	0	0	0	0	6680
2006	0	0	0	0	0	0	0	0	0	0	0	0	0
2007	0	0	0	7008	573	3661	5027	6784	0	0	0	1117	24169
2008	347	0	0	0	6033	3537	6015	0	0	381	8856	0	25169
2009	1587	0	0	2677	0	20056	5275	0	127	133	26352	12942	69148
2010	41181	2817	17015	0	20876	48286	61817	30025	34077	0	43240	79167	378501
2011	58465	4304	50598	93417	65896	79904	55627	59383	97319	85194	76679	98188	824975
Grand Total	500728	125798	142730	209833	240643	317283	206378	289786	387998	220207	423591	550825	3615800

Excesses available at J2 on days of Excess at North Bend, af

Sum of Available													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
1996	44732	76127	79437	84184	55373	71646	42308	63224	95724	90160	102269	69260	874444
1997	74558	92147	102503	93403	78394	58779	1041	39831	89474	101121	107510	111506	950267
1998	78626	104193	94046	93998	81575	64168	29508	48027	89699	108060	112421	86196	990518
1999	90798	101874	93099	83750	86946	80930	27866	68547	89221	108349	110035	112468	1053884
2000	115012	103160	97088	86623	62658	43631	23586	6668	15619	41691	46755	37349	679840
2001	59954	61863	52466	55099	34920	18145	10614	16862	47800	39689	17320	41128	455859
2002	37548	28166	31841	22325	9549	7851	0	533	4760	10093	12618	21175	186459
2003	10528	18532	19515	16271	8326	2510	0	0	199	0	13796	7461	97138
2004	0	12186	14659	0	0	0	0	0	0	4211	14935	12945	58936
2005	10005	20265	16892	16299	5712	34889	0	0	2360	10522	12614	15262	144821
2006	19977	9119	28993	8662	5	1	0	0	1968	14622	11963	14447	109756
2007	8002	26711	37022	36009	23085	31173	21433	16875	1454	18010	16104	21934	257811
2008	23090	25031	22733	22096	25055	3872	20631	8358	1	32675	34201	4431	222175
2009	24596	24999	15028	51463	15108	40635	12407	0	24507	45573	67526	10824	332667
2010	50336	42818	55220	35362	74409	81999	64956	63583	100965	102897	107465	85681	865691
2011	76546	77200	92363	93417	86196	79904	55627	59383	97319	109966	101368	98188	1027478
Grand Total	724308	824391	852906	798959	647310	620131	309979	391891	661071	837641	888900	750256	8307743

Excesses available at J2 on days of Excess at Louisville, af

Sum of Available													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
1996	51067	74330	84753	84184	55373	71646	42473	63224	95724	90160	104887	72295	890115
1997	74669	92147	102503	93403	78394	58779	2596	37443	90025	101121	107510	111506	950097
1998	97810	104193	100889	93998	81575	64168	29604	51068	64361	107787	112421	88757	996632
1999	90798	101874	93099	83750	86946	80930	27876	70197	89221	108349	110035	109705	1052780
2000	114962	103160	97088	86623	62658	43402	26824	3564	397	18075	45539	41193	643484
2001	61527	61863	52639	55099	34920	18420	13655	9991	43416	30732	15862	44992	443115
2002	46731	26777	31444	22325	9549	3351	0	315	299	2112	7810	15861	166575
2003	9428	8839	17689	16798	8326	2510	0	0	0	0	0	3227	66817
2004	912	12384	14659	0	0	0	0	0	0	337	13764	10517	52574
2005	10912	20265	16892	16299	5712	34889	0	0	0	0	2214	15262	122445
2006	19977	8168	28993	8662	5	1	0	0	1810	4582	5312	10679	88188
2007	9983	26711	37022	36009	23085	31173	12175	15214	1454	18010	17361	21934	250131
2008	25372	25031	23046	22096	25055	3872	21384	10692	2399	34350	34201	5542	233040
2009	24596	24999	17353	52942	15108	40635	13138	0	24507	45573	67526	10824	337202
2010	57740	42818	55220	36274	74409	81999	64956	63583	102483	103401	107465	96019	886367
2011	77296	82136	92363	93417	86196	79904	55627	59383	97319	109966	101368	98188	1033164
Grand Total	773781	815696	865653	801878	647310	615678	310309	384674	613415	774556	853276	756502	8212727

Available Excesses at J2 for Each Location

Year	Location		
	Grand Island	North Bend	Louisville
1996	377133	874444	890115
1997	441704	950267	950097
1998	525380	990518	996632
1999	618819	1053884	1052780
2000	208231	679840	643484
2001	93259	455859	443115
2002	22433	186459	166575
2003	198	97138	66817
2004	0	58936	52574
2005	6680	144821	122445
2006	0	109756	88188
2007	24169	257811	250131
2008	25169	222175	233040
2009	69148	332667	337202
2010	378501	865691	886367
2011	824975	1027478	1033164
Grand Total	3615800	8307743	8212727

EXHIBIT 3

WATER SERVICE AGREEMENT-
GROUNDWATER RECHARGE FROM EXCESS FLOWS BETWEEN
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT,
NEBRASKA DEPARTMENT OF NATURAL RESOURCES
AND
TRI-BASIN NATURAL RESOURCES DISTRICT

THIS AGREEMENT made and entered into this 20 day of September, 2013, by and between The Central Nebraska Public Power and Irrigation District, a public corporation and political subdivision of the State of Nebraska, with its principal office located at 415 Lincoln Street, P.O. Box 740, Holdrege, NE 68949-0740, hereinafter referred to as "Central" and Tri-Basin Natural Resources District, a political subdivision of the State of Nebraska, with its principal office located at 1723 North Burlington Street, Holdrege, NE 68949, hereinafter referred to as "Tri-Basin", and the State of Nebraska, acting by and through the Nebraska Department of Natural Resources, with its principal office located at 301 Centennial Mall South, Lincoln, NE 68509-4676, hereinafter referred to as "State". Sometimes hereinafter Central, State and Tri-Basin shall be collectively referred to as "Parties" or individually as "Party".

WITNESSETH:

WHEREAS, Central is the owner of the Phelps Canal as shown on Exhibit A; and

WHEREAS, Central filed in September of 2013 with the Nebraska Department of Natural Resources (hereinafter "DNR") a "Petition for Leave to File an Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal in Gosper and Phelps Counties" (hereinafter "Appropriation"); and

WHEREAS, the State and Tri-Basin have jointly developed and agreed to implement an Integrated Management Plan, which plan includes investigating projects to enhance and improve water supply, including groundwater recharge projects; and

WHEREAS, the State and Tri-Basin participate in the Platte Basin Habitat Enhancement Project Interlocal Cooperation Agreement, hereinafter referred to as the "PBHEP" and through the PBHEP are willing to provide compensation for groundwater recharge projects; and

WHEREAS, the State and Tri-Basin desire Central to provide groundwater recharge for purposes of studying groundwater recharge, sustaining groundwater supplies for the benefit of Tri-Basin's constituents, and implementing the State/Tri-Basin joint Integrated Management Plan (IMP); and

WHEREAS, Central desires to provide such recharge services;

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements herein contained and the terms and conditions hereinafter set forth, it is hereby covenanted and agreed:

1. WATER SERVICE.

a. During the term of this Agreement, Central will provide the State and Tri-Basin with groundwater recharge via seepage through the Phelps Canal for the purposes described above equal to fifty percent (50%) of the Total Amount Diverted, as hereinafter defined, up to a maximum total of 7500 acre feet of water in the non-irrigation season. The Total Amount Diverted shall be measured by Central using the Phelps Canal measuring flume located at milepost 1.6 on the Phelps Canal (including water diverted and not available for recharge because of evaporation). The Total Amount Diverted will be adjusted by subtracting any deliveries or releases made by

Central from the Phelps Canal and for the difference in storage in the canal at the end of the irrigation season (likely early September, 2013), at the end of each subsequent quarter or billing period, and at the beginning of the next irrigation season (likely mid-April 2014). The non-irrigation season will begin when Central stops releasing water into sections of the Phelps Canal for irrigation and end when Central begins releasing water into sections of the Phelps Canal for irrigation, as determined by Central.

b. Central may make reasonable adjustments in the Total Amount Diverted as necessary to account for similar operations from other water sources, or for other reasons as may be appropriate. Central shall consult with the State and Tri-Basin in making such adjustments. All data used by Central regarding the Total Amount Diverted calculations shall be shared with the State and Tri-Basin.

2. **WATER SERVICE CHARGES.** The State and Tri-Basin shall together pay Central for the water service described above as follows:

a. A Water Service Charge of twenty five dollars (\$25.00) per acre-foot for the State and Tri-Basin's 50% share of the Total Amount Diverted, adjusted according to provisions in paragraph 1 above. All measurements made through Central's measuring device and so recorded by Central operating personnel shall be considered final. Central shall separately invoice the State and Tri-Basin for the water service charges quarterly beginning October 1, 2013. Payment shall be due within 60 days of invoice.

b. The State and Tri-Basin will divide the total costs according to the provisions of the PBHEP interlocal cooperative agreement.

3. **TERM.** The term of this Agreement shall commence when this Agreement is signed by the Parties (the "Commencement Date"), and shall expire on August 15, 2014.

4. **DATA SHARING.** The Parties agree to share all hydraulic and hydrologic data collected in association with this Agreement.

5. **WATER APPROPRIATIONS.** The source of supply shall be water which is available pursuant to the Appropriation. Tri-Basin shall cooperate, as reasonably necessary, to help Central to obtain the DNR's approval of the Appropriation. The water service described herein shall be subject to the DNR approving such Appropriation. The water delivered pursuant to this Agreement shall be consistent with and limited to the terms and provisions of the Appropriation.

6. **FORCE MAJEURE.** Central shall not be liable for any delay or failure to perform its obligations under this Agreement caused by an event or condition beyond the reasonable control of, and without the fault or negligence of Central, including, without limitation, failure of facilities, flood, earthquake, storm, lightning, fire, severe cold or other weather event, epidemic, contamination, war, terrorist act, riot, civil disturbance, labor disturbance, accidents, sabotage, or restraint by court or restrictions by other public authority which delays or prevents performance (including but not limited to the adoption or change in any rule, policy, or regulation or environmental constraints imposed by federal, state or local governments), which Central could not reasonably have avoided by exercise of due diligence and foresight. Upon the occurrence of such an event or condition, the obligations of Central under this Agreement shall be excused and suspended without penalty or damages, provided that Central shall give the State and Tri-Basin prompt written notice describing the particulars of the occurrence or condition, the suspension of performance is of no greater scope and of no longer duration than is required by the event or condition, and Central proceeds with reasonable diligence to remedy its inability to perform and provides progress reports to the State and Tri-Basin describing the actions taken to remedy the consequences of the event or condition.

7. **DEFAULT.** If any Party to this Agreement fails to perform or otherwise breaches any of the terms of this Agreement, then such failure shall constitute a default. In the event of default by any Party, the non-defaulting Party/s shall give written notice of the default to the defaulting Party. Following such written notice, the defaulting Party may cure the default within thirty (30) days. Upon cure, this Agreement shall remain in full force and effect. If the defaulting Party fails to cure, the non-defaulting Party/s shall be entitled to any and all legal and equitable remedies except Central's total liability to the State and Tri-Basin for any loss or damage, including but not limited to special and consequential damages, arising out of or in connection with the performance of this Agreement shall not exceed either the amount of Water Service Charges paid by the State and Tri-Basin to Central pursuant to this Agreement or \$50,000, whichever is less.

8. **ENTIRE AGREEMENT.** This Agreement contains the entire understanding of the Parties hereto with respect to the water service contemplated hereby and supersedes all prior agreements and understandings between the Parties with respect to such subject matter.

9. **AMENDMENT.** No amendment to this Agreement shall be valid unless it is in writing and signed by the Parties hereto.

10. **BINDING EFFECT.** This Agreement shall inure to the benefit of and be binding on the Parties, their successors and assigns. This Agreement may not be assigned by State or Tri-Basin without the written consent of Central.

11. **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the law of the State of Nebraska.

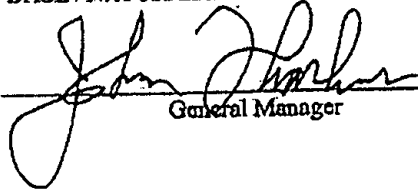
12. **FUNDING.** By execution of this Agreement, the State represents and affirms that it has requested and will make every effort to secure funds for this project. Should the anticipated source of funding no longer be available, the State will use its best efforts to secure alternative sources of funding.

13. **LAWS.** In executing this Agreement, each Party shall be responsible for its compliance with all applicable state and federal laws.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the date first stated above.

TRI-BASIN NATURAL RESOURCES DISTRICT,

By


General Manager

THE STATE OF NEBRASKA,
ACTING BY AND THROUGH THE NEBRASKA
DEPARTMENT OF NATURAL RESOURCES,

By

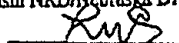

Director

APPROVED

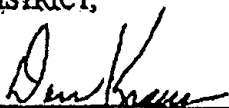
AS TO FORM & CONTENT

Water Service Agreement - Recharge from Excess Flows
Between Central and Tri-Basin NRD/Nebraska DNR
BY DNR LEGAL COUNSEL

Page 3 of 3

 DATE 9/20/2013

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT,

By 
General Manager

WATER SERVICE AGREEMENT – RECHARGE FROM EXCESS FLOWS
BETWEEN
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT,
NEBRASKA COMMUNITY FOUNDATION, INC, and
PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

THIS AGREEMENT made and entered into this 19 day of September, 2013, by and between The Central Nebraska Public Power and Irrigation District, a public corporation and political subdivision of the State of Nebraska, with its principal office located at 415 Lincoln Street, P.O. Box 740, Holdrege, NE 68949-0740, hereinafter referred to as "Central" and the Nebraska Community Foundation (representing all signatories to the Platte River Recovery Implementation Program), a Nebraska non-profit corporation, with its principal office located at 3833 South 14th Street, Lincoln, Nebraska 68501-3107, hereinafter referred to as "Foundation," and the Platte River Recovery Implementation Program, with its principal office located at 4111 4th Avenue, Suite 6, Kenney, Nebraska 68845, hereinafter referred to as "Platte Program," (jointly referred to as "Parties" and individually as "Party.")

WITNESSETH:

WHEREAS, Central is the owner of the Phelps Canal as shown on Exhibit A; and

WHEREAS, Central filed in September of 2013 with the Nebraska Department of Natural Resources (hereinafter "DNR") a "Petition for Leave to File an Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal in Gosper and Phelps Counties" (hereinafter "Appropriation"); and

WHEREAS, the Platte Program desires Central to augment Platte River stream flows via groundwater recharge; and

WHEREAS, Central desires to provide such recharge services.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements herein contained and the terms and conditions hereinafter set forth, it is hereby covenanted and agreed:

1. WATER SERVICE.

a. During the term of this Agreement, Central will provide the Platte Program with groundwater recharge via seepage through the Phelps Canal for the purposes described above equal to fifty percent (50%) of the Total Amount Diverted, as hereinafter defined, in the non-irrigation season. The Total Amount Diverted shall be measured by Central using the Phelps Canal measuring flume located at milepost 1.6 on the Phelps Canal (including water diverted and not available for recharge because of evaporation). The Total Amount Diverted will be adjusted by subtracting any deliveries or releases made by Central from the Phelps Canal and for the difference in storage in the canal at the end of the irrigation season (likely early September 2013), at the end of each subsequent quarter or billing period, and at the beginning of the next irrigation season (likely mid-April 2014). The non-irrigation season will begin when Central stops releasing water into sections of the Phelps Canal for irrigation and end when Central begins releasing water into sections of the Phelps Canal for irrigation, as determined by Central.

b. Central may make reasonable adjustments in the Total Amount Diverted as necessary to account for similar operations from other water sources, or for other reasons as may be appropriate. Central shall consult with the Platte Program in making such adjustments. All data used by Central regarding the Total Amount Diverted calculations shall be shared with the Platte Program.

2. **WATER SERVICE CHARGES.** The Foundation shall pay Central for the water service described above as follows:

a. A Water Service Charge of twenty five dollars (\$25.00) per acre-foot for the Platte Program's 50% share of the Total Amount Diverted, adjusted according to provisions in paragraph 1 above. All measurements made through Central's measuring device and so recorded by Central operating personnel shall be considered final. Central shall invoice the Foundation for the water service charges quarterly beginning October 1, 2013. Payment shall be due within 60 days of invoice.

3. **TERM.** The term of this Agreement shall commence when this Agreement is signed by the Foundation, the Platte Program, and Central (the "Commencement Date"), and shall expire on August 15, 2014.

4. **DATA SHARING.** Central and the Platte Program agree to share all hydraulic and hydrologic data collected in association with this Agreement.

5. **WATER APPROPRIATIONS.** The source of supply shall be water which is available pursuant to the Appropriation. The water service described herein shall be subject to the DNR approving such Appropriation. The water delivered pursuant to this Agreement shall be consistent with and limited to the terms and provisions of the Appropriation.

6. **FORCE MAJEURE.** Central shall not be liable for any delay or failure to perform its obligations under this Agreement caused by an event or condition beyond the reasonable control of, and without the fault or negligence of Central, including, without limitation, failure of facilities, flood, earthquake, storm, lightning, fire, severe cold or other weather event, epidemic, contamination, war, terrorist act, riot, civil disturbance, labor disturbance, accidents, sabotage, or restraint by court or restrictions by other public authority which delays or prevents performance (including but not limited to the adoption or change in any rule, policy, or regulation or environmental constraints imposed by federal, state or local governments), which Central could not reasonably have avoided by exercise of due diligence and foresight. Upon the occurrence of such an event or condition, the obligations of Central under this Agreement shall be excused and suspended without penalty or damages, provided that Central shall give the Platte Program prompt written notice describing the particulars of the occurrence or condition, the suspension of performance is of no greater scope and of no longer duration than is required by the event or condition, and Central proceeds with reasonable diligence to remedy its inability to perform and provides progress reports to the Platte Program describing the actions taken to remedy the consequences of the event or condition.

7. **DEFAULT.** If any Party to this Agreement fails to perform or otherwise breaches any of the terms of this Agreement, then such failure shall constitute a default. In the event of default by any Party, the non-defaulting Party/s shall give written notice of the default to the defaulting Party. Following such written notice, the defaulting Party may cure the default within thirty (30) days. Upon cure, this Agreement shall remain in full force and effect. If the defaulting Party fails to cure, the non-defaulting Party/s shall be entitled to any and all legal and equitable remedies except Central's total liability to the Platte Program and Foundation for any loss or damage, including but not limited to special and consequential damages, arising out of or in connection with the performance of this Agreement shall not exceed either the amount of Water Service Charges paid by the Foundation to Central pursuant to this Agreement or \$50,000, whichever is less.

8. ENTIRE AGREEMENT. This Agreement contains the entire understanding of the Parties hereto with respect to the water service contemplated hereby and supersedes all prior agreements and understandings between the Parties with respect to such subject matter.

9. AMENDMENT. No amendment to this Agreement shall be valid unless it is in writing and signed by the Parties hereto.


10. BINDING EFFECT. This Agreement shall inure to the benefit of and be binding on the Parties, their successors and assigns. This Agreement may not be assigned by the Platte Program or the Foundation without the written consent of Central.

11. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the date first stated above.

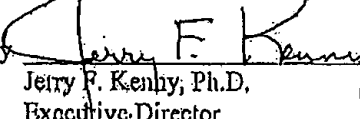
NEBRASKA COMMUNITY FOUNDATION

Date 9/19/2013

By 
Diane M. Wilson
Chief Operating Officer/Chief Financial Officer

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM – Office of the Executive Director

Date 09/13/13

By 
Jerry F. Kenby, Ph.D.
Executive Director

THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT,

Date 09/19/13

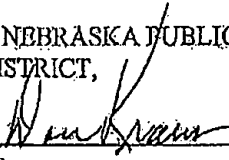
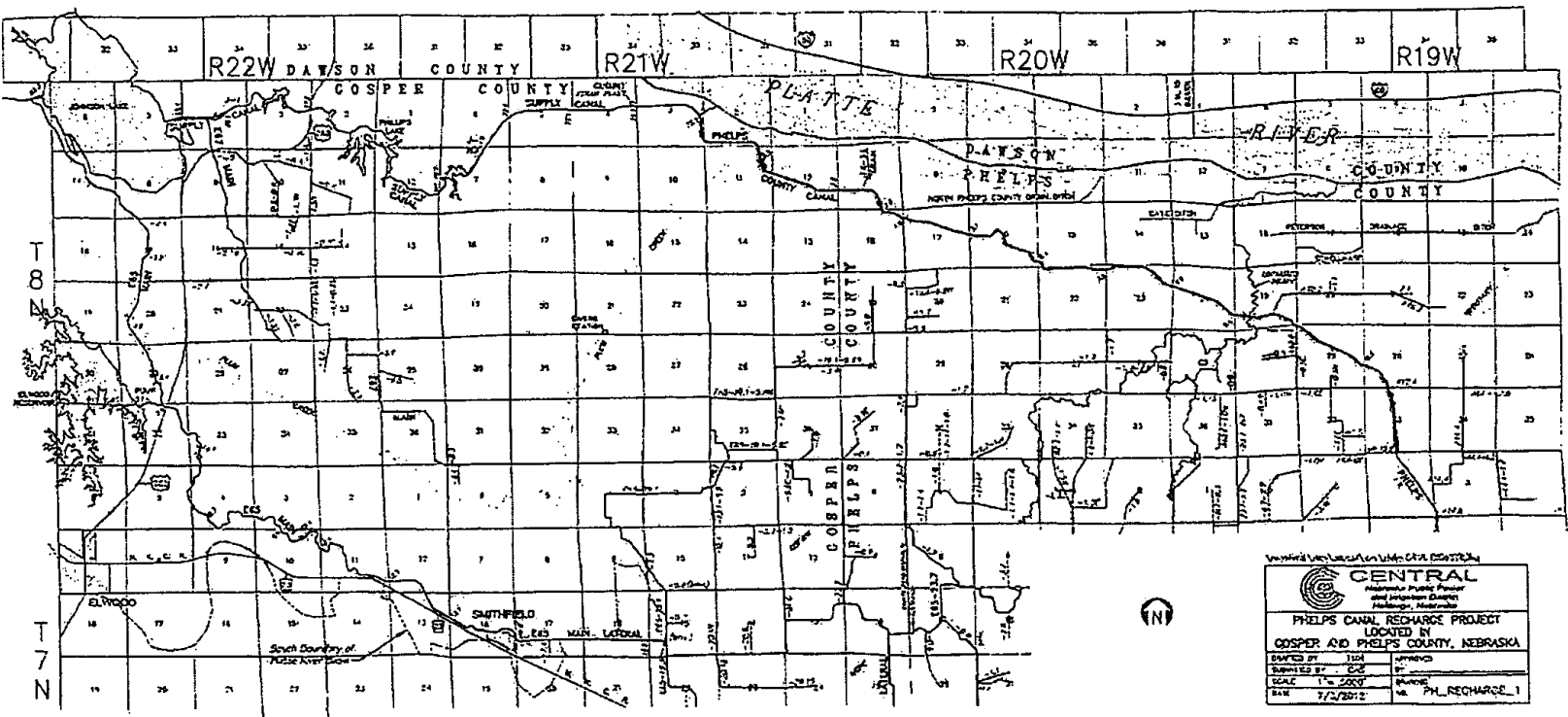
By 
Don D. Kraus
General Manager

Exhibit "A"



UNIVERSITY OF NEBRASKA-LINCOLN CIVIL ENGINEERING

CENTRAL
 Regional Public Printer
 and Information Services
 Lincoln, Nebraska

PHELPS CANAL RECHARGE PROJECT
 LOCATED IN
 GOSPER AND PHELPS COUNTY, NEBRASKA

DRAWN BY	114	DATE	
CHECKED BY	CGC	SCALE	1" = 2000'
DATE	7/2/2012	PROJECT	PHL_RECHARGE_1

October 2013

Exhibit 3 - Part 2

Page 4 of 4

Report To Accompany the Application for a
 Temporary Permit To Appropriate Water For Groundwater Recharge On The Phelps Canal And
 Funk Lagoons/Waterowl Production Area In Gosper, Phelps And Kearney Counties

**WATER SERVICE AGREEMENT - RECHARGE FROM EXCESS FLOWS
BETWEEN
THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT,
NEBRASKA COMMUNITY FOUNDATION, INC. and
PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**

THIS AGREEMENT made and entered into this 20 day of September, 2013, by and between The Central Nebraska Public Power and Irrigation District, a public corporation and political subdivision of the State of Nebraska, with its principal office located at 415 Lincoln Street, P.O. Box 740, Holdrege, NE 68949-0740, hereinafter referred to as "Central" and the Nebraska Community Foundation (representing all signatories to the Platte River Recovery Implementation Program), a Nebraska non-profit corporation, with its principal office located at 3833 South 14th Street, Lincoln, Nebraska 68501-3107, hereinafter referred to as "Foundation," and the Platte River Recovery Implementation Program, with its principal office located at 4111 4th Avenue, Suite 6, Kearney, Nebraska 68845, hereinafter referred to as "Platte Program," (jointly referred to as "Parties" and individually as "Party.")

WITNESSETH:

WHEREAS, Central is the owner of the Phelps Canal as shown on Exhibit A; and

WHEREAS, Central filed in September of 2013 with the Nebraska Department of Natural Resources (hereinafter "DNR") a "Petition for Leave to File an Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal and Funk Lagoon in Gosper and Phelps Counties" (hereinafter "Appropriation"); and

WHEREAS, the Platte Program desires Central to deliver Platte River stream flows for groundwater recharge; and

WHEREAS, Central desires to provide such recharge services.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements herein contained and the terms and conditions hereinafter set forth, it is hereby covenanted and agreed:

1. WATER SERVICE.

a. During the term of this Agreement, Central will provide the Platte Program with groundwater recharge via seepage through the Funk Lagoon (upon Central's receipt of written permission from the US Fish and Wildlife Service to provide this water service to the Funk Lagoon). The Total Amount Diverted shall be measured by Central using measuring devices at or near the Funk Lagoon. The Total Amount Diverted shall not exceed the lesser of 2,000 acre feet or the quantity permitted by the US Fish and Wildlife Service.

b. Central may make reasonable adjustments in the Total Amount Diverted as may be appropriate. Central shall consult with the Platte Program in making such adjustments. All data used by Central regarding the Total Amount Diverted calculations shall be shared with the Platte Program.

2. WATER SERVICE CHARGES. The Foundation shall pay Central for the water service described above as follows:

a. A Water Service Charge of twenty five dollars (\$25.00) per acre-foot will be charged for the Total Amount Diverted, adjusted according to provisions in paragraph 1 above. All measurements made through Central's measuring device and so recorded by Central operating personnel shall be considered final. Central shall invoice the Foundation for the water service charges quarterly beginning November 1, 2013. Payment shall be due within 60 days of invoice.

3. **TERM.** The term of this Agreement shall commence when this Agreement is signed by the Foundation, the Platte Program, and Central (the "Commencement Date"), and shall expire on December 31, 2013. Either Central or the Platte Program may terminate the term of this Agreement by providing the other party and the Foundation two days advance written notice of termination.

4. **DATA SHARING.** Central and the Platte Program agree to share all hydraulic and hydrologic data collected in association with this Agreement.

5. **WATER APPROPRIATIONS.** The source of supply shall be water which is available pursuant to the Appropriation. The water service described herein shall be subject to the DNR approving such Appropriation. The water delivered pursuant to this Agreement shall be consistent with and limited to the terms and provisions of the Appropriation.

6. **RECHARGE CREDITS.** Any credits resulting from recharge occurring as a result of water delivered to Funk Lagoon as described in Section 1 above shall be allocated to the Platte Program. All other credits resulting from recharge occurring past mile post 13.3 on the Phelps Canal shall be retained by Central.

7. **FORCE MAJEURE.** Central shall not be liable for any delay or failure to perform its obligations under this Agreement caused by an event or condition beyond the reasonable control of, and without the fault or negligence of Central, including, without limitation, failure of facilities, flood, earthquake, storm, lightning, fire, severe cold or other weather event, epidemic, contamination, war, terrorist act, riot, civil disturbance, labor disturbance, accidents, sabotage, or restraint by court or restrictions by other public authority which delays or prevents performance (including but not limited to the adoption or change in any rule, policy, or regulation or environmental constraints imposed by federal, state or local governments), which Central could not reasonably have avoided by exercise of due diligence and foresight. Upon the occurrence of such an event or condition, the obligations of Central under this Agreement shall be excused and suspended without penalty or damages, provided that Central shall give the Platte Program prompt written notice describing the particulars of the occurrence or condition, the suspension of performance is of no greater scope and of no longer duration than is required by the event or condition, and Central proceeds with reasonable diligence to remedy its inability to perform and provides progress reports to the Platte Program describing the actions taken to remedy the consequences of the event or condition.

8. **DEFAULT.** If any Party to this Agreement fails to perform or otherwise breaches any of the terms of this Agreement, then such failure shall constitute a default. In the event of default by any Party, the non-defaulting Party's shall give written notice of the default to the defaulting Party. Following such written notice, the defaulting Party may cure the default within thirty (30) days. Upon cure, this Agreement shall remain in full force and effect. If the defaulting Party fails to cure, the non-defaulting Party's shall be entitled to any and all legal and equitable remedies except Central's total liability to the Platte Program and Foundation for any loss or damage, including but not limited to special and consequential damages, arising out of or in connection with the performance of this Agreement shall not exceed either the amount of Water Service Charges paid by the Foundation to Central pursuant to this Agreement or \$50,000, whichever is less.

9. **ENTIRE AGREEMENT.** This Agreement contains the entire understanding of the Parties hereto with respect to the water service contemplated hereby and supersedes all prior agreements and understandings

between the Parties with respect to such subject matter.

10. AMENDMENT. No amendment to this Agreement shall be valid unless it is in writing and signed by the Parties hereto.

11. BINDING EFFECT. This Agreement shall inure to the benefit of and be binding on the Parties, their successors and assigns. This Agreement may not be assigned by the Platte Program or the Foundation without the written consent of Central.

12. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the date first stated above.

NEBRASKA COMMUNITY FOUNDATION

Date 9/20/2013

By

D.M. Wilson

Dino M. Wilson
Chief Operating Officer/Chief Financial Officer

PLATTE RIVER RECOVERY IMPLEMENTATION
PROGRAM - Office of the Executive Director

Date 09/23/2013

By

Jerry F. Kenny

Jerry F. Kenny, Ph.D.
Executive Director

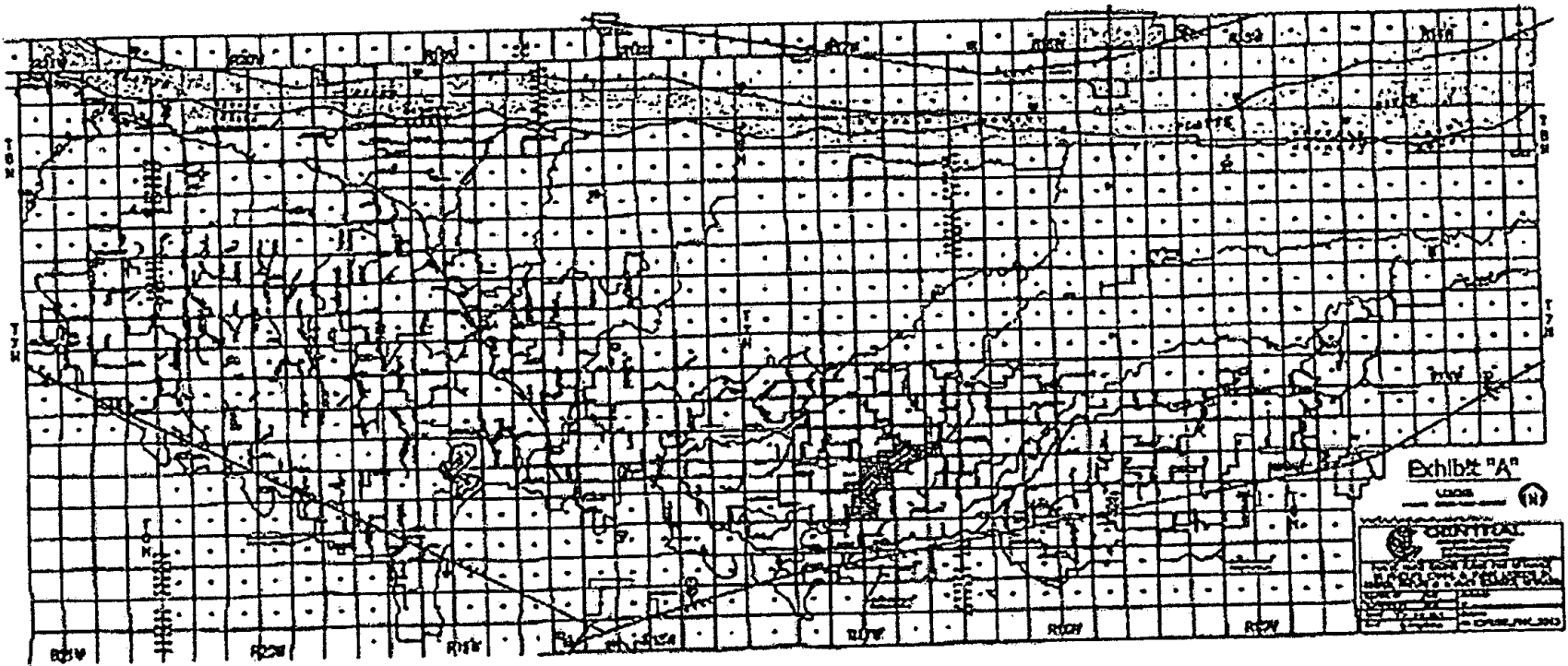
THE CENTRAL NEBRASKA PUBLIC POWER AND
IRRIGATION DISTRICT,

Date 9/25/2013

By

Don D. Kraus

Don D. Kraus
General Manager



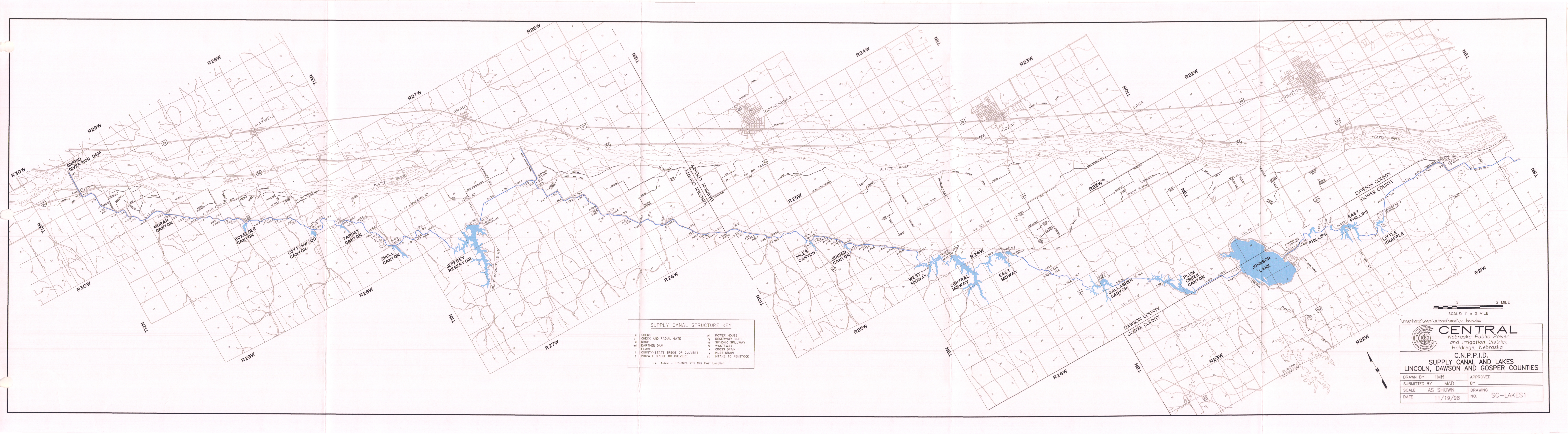
October 2013

Exhibit 3 - Part 3

Page 4 of 4

Report To Accompany the Application for a
 Temporary Permit To Appropriate Water For Groundwater Recharge On The Phelps Canal And
 Funk Lagoon/Waterfowl Production Area In Gosper, Phelps And Kearney Counties

MAP 1



SUPPLY CANAL STRUCTURE KEY

c	CHECK	ph	POWER HOUSE
cr	CHECK AND RADIAL GATE	ri	RESERVOIR INLET
d	DROP	ss	SIPHONIC SPILLWAY
ed	EARTHEN DAM	w	WASTEWAY
f	FLUME	x	CROSS DRAIN
h	COUNTY/STATE BRIDGE OR CULVERT	y	INLET DRAIN
p	PRIVATE BRIDGE OR CULVERT	yp	INTAKE TO PENSTOCK

Ex: h-63J = Structure with Mile Post Location

SCALE: 1" = 2 MILE

0 1 2 MILE

CENTRAL
Nebraska Public Power
and Irrigation District
Holdrege, Nebraska

**C.N.P.P.I.D.
SUPPLY CANAL AND LAKES
LINCOLN, DAWSON AND GOSPER COUNTIES**

DRAWN BY TMR	APPROVED
SUBMITTED BY MAD	BY
SCALE AS SHOWN	DRAWING
DATE 11/19/98	NO. SC-LAKES1

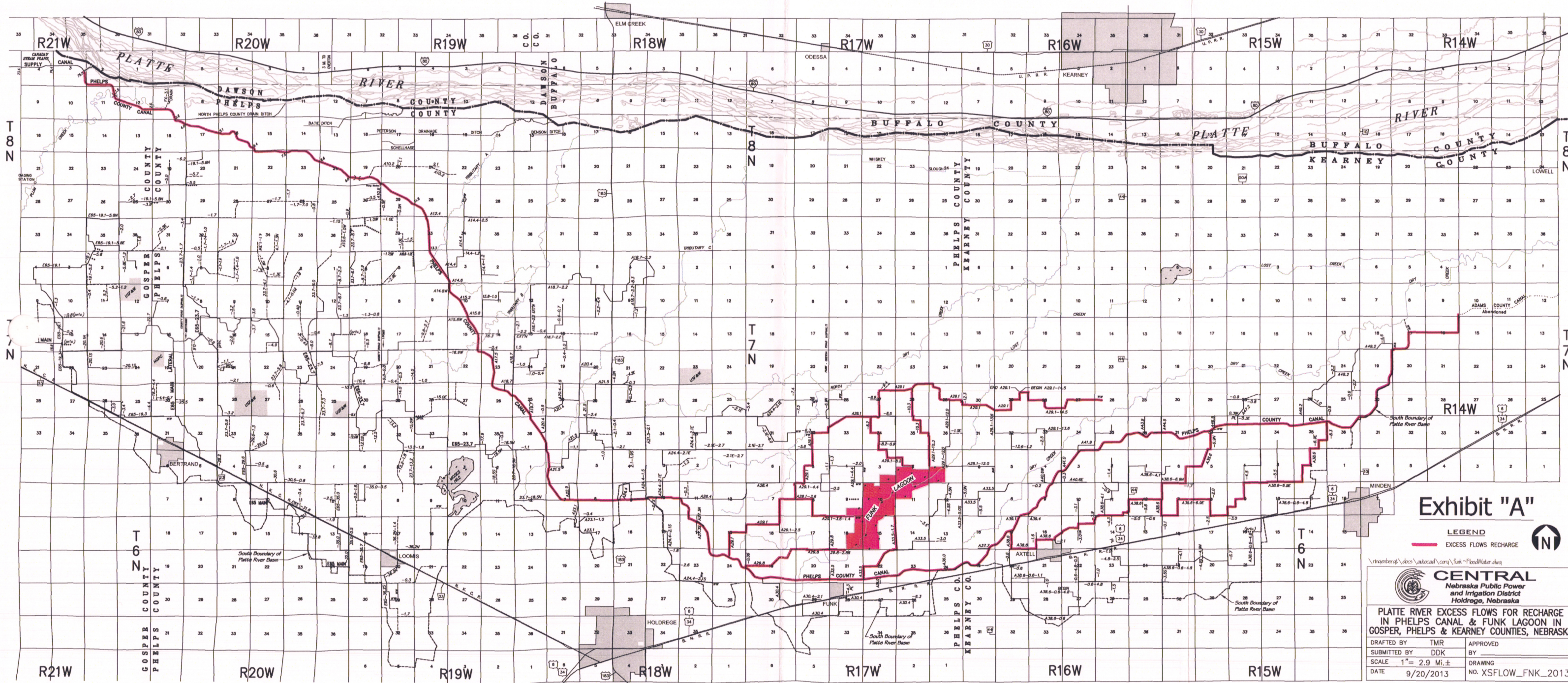


Exhibit "A"

LEGEND
 EXCESS FLOWS RECHARGE

CENTRAL
 Nebraska Public Power and Irrigation District
 Holdrege, Nebraska

PLATTE RIVER EXCESS FLOWS FOR RECHARGE IN PHELPS CANAL & FUNK LAGOON IN GOSPER, PHELPS & KEARNEY COUNTIES, NEBRASKA

DRAFTED BY	TMR	APPROVED	
SUBMITTED BY	DDK	BY	
SCALE	1" = 2.9 Mi. ±	DRAWING	
DATE	9/20/2013	NO.	XSFLOW_FNK_2013