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:	Modification No.: VAR-4828
The Central Nebraska Public Power and Irrigation District	Date Filed: September 19, 201
P.O. Box 740, 415 Lincoln Street	Time Filed: 4:58pm
Holdrege, NE 68949-0740	SW Appropriation No.:(if applicable)
	Right ID No.:
	(if applicable)
	Water Division: 1-A
	Receipt No.: A4144
E-mail address: Telephone No. (308)995-8601	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 o	f groundwater recharge.
27 TO LOT OF MANAPER WAS AND MAN 1 12 1900 COMMAN MAN 2 MAN	1 Browner 1007m Ber
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)	
001.04 — Existed before the stay or moratorium (Attach Proof)	
001.05 — Addresses a public safety issue (Attach Explanation)	
001.06 — Is a temporary use for public construction (<10 AF)	
5. Other reason why a variance should be granted:	
The temporary right would allow CNPPID to assist the Platte River Recovery Implementation Pro	ogram (PPRIP) by diverting water
into the Phelps Canal and Funk Lagoon for groundwater recharge.	
(a, b, b)	
9/19/13 Km hum -	Don Kraus, P.E. General Manager
Date Signature of Applicant (or authorized agent))

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
Lincolu, Nebraska 68509-4676
(402) 471-2363

MOD-07192012-21827- +1+ (6)

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

Complete items 1 through 10 by printiple placing an X in the appropriate box.	ng in ink or typing the appropriate	information and by	For Department Use Only
Name and address of owner of land described on the deed or document	d under proposed project. Names transferring ownership of proper	must be exactly as rty. Landowner must	
sign the application. The Central Nebraska Public Power and	Irrigation District		121-1 in the effice of the Denortment of
P.O. Box 740, 415 Lincoln Street	. 		Filed in the office of the Department of
Holdrege, NE 68949-0740		·	Natural Resources ata.m./p.m.
			on
E-mail address:	The state of the s	. (308) 995-8601	Application No.
2. Name, address, and telephone num	ber of applicant if different than la	andowner.	Map No
		,	Water Division
			Receipt NoAmount
			Right ID
E-mail address:	Telephone No.		
3a. A permit is sought to:		3b. A permit is sought for	the purpose of:
Use natural flow Us	se impounded water*	Other	Manufacturing Domestic
		Temporary** Groun	dwater Recharge
4a. Identify the source of water (name	e of stream or reservoir).	4b. If applicable, identification from the source (port	y the facility name for transporting water table pump, name of canal or pipeline).
Platte River		Phelps Canal	
5. Identify the location of the Section 3, Township	8 North, Range 21	E W V	County Gosper
1 MILE (5280')	nim? selanim simane? selane.		e square mile (section). Place an X cre tract to indicate the location(s) of
노 MILE (2640') 독 MILE (1320')	If de	applicable, indicate the heigams on the line below.	ight, in feet, of any diversion or check
↓ 13/	2640'		
L			

- * A separate permit to impound water must be obtained.
- ** A temporary permit maybe granted for a maximum of one year.

LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. of Acres
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			ļ	1					
					TOTAL NUMBER OF ACRES TO BI	E IRRIGA	ATED:	0.0	
Enclosed is an aerial photograph that	t I have	marke	to show	w the appr	oximate location of land to be irrigate	d as desc	cribed ab	ove.	
7. State the approximate quantity of v	vater d	esired f	nr		Gallons per minute				
Said the approximate quantity of v	vator a	oblied i	J		Cubic feet per second				
appropriation. 450 cfs					Acre-feet (impounded water)				
8a. State the estimated time required	for c	omplet	ion of	all water	8b. State the earliest date when wat	er will h	ave been	used fo	r
diversion facilities.					beneficial purposes.				
months					9-19-2013				
9. Will this project be constructed und No Yes If yes, expended the program (PRRIP).		_	_		Il be coordinated with the Platte Rive	_		<u>.</u>	
0. I certify that am familiar with the	e info	rmation	contai	ned in th	is application, and that to the bes	t of my	knowle	edge an	d helief
such information is true, complete						· OI my	MIOWI	ouge an	d ooner
9/10/12				<i>[(</i>)	Don	Kraus I	P.E., Ge	neral M:	ananer
7/19/13 Date				1) er	r owner's authorized agent (with pro				anagei
					· · · · · · · · · · · · · · · · · · ·	-			
A final project map may accompany the drawn in accordance with NAC Title 4 of the applicant, the Department will as	57 – R	ules for	Surface	Water, C	hapter 10, (http://dnr.ne.gov/SurfaceWater/	ntal app <u>Fitle_457</u>	roval of <u>0608.pdf</u>)	this app . At the	lication, request
This form must be completed in full. Failure to resubmit a corrected application	An inco	omplete nin this p	or defe period sl	ctive appl hall cause	ication will be returned with 90 days dismissal of the application and conse	being a quent lo	llowed f	or resub ority and	mission. I fees.
A non-refundable filing fee, payable to Forward this application and applicable	the Dep) :	Depar	State of No tment of Na		must acc	company	this app	olication.
					ka 68509-4676				
Nature of Use					Nature of Use				Cost
Domestic			••••••	\$10	Manufacturing General				\$10
Irrigation from Stream				\$260	Power Generation for each theoretical 50 h	orsepower		************	\$5
0-1,000 acres Each additional 1,000 acre unit					Other	•••••	•••••••••	**************	\$10
or portion thereof in excess of the fir Irrigation from Storage Reservoir	st 1,000	acre unit							
0-1,000 acres				\$50					
or portion thereof in excess of the first 1. Each additional 1,000 acre unit or portion thereof in excess of the first 1.				\$25					

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

		attach supporting documentation and a \$10 non-refundable filing fee.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	ddress of peti		Modification No.: VAR-4828 Date Filed: September 19. 2
		blic Power and Irrigation District	Date Filed: September 19, 2 Time Filed: 4:58 PM
	40, 415 Linco		SW Appropriation No.:
Holdrege,	NE 68949-07	1 0	(if applicable)
			Right ID No.:
			(if applicable)
			Water Division: 1-A Receipt No.: A-4144
E-mail addı	ess:	Telephone No. (308)995-8601	Amount: 10.00
	ituation that a	• • • • • • • • • • • • • • • • • • • •	
		plication Already Filed Application Number:	
	Ar	plication Not Filed (Enclose copy of proposed application)	
Dogosiasiasias			
. Description	of proposed p	roject.	
Diversi	on of unappro	priated water into the Phelps Canal and Funk Lagoon for the purpose of	of groundwater recharge.
	<i>i</i>		
. The Propos	ed Project —	(Check all that apply):	
. The Propos	ed Project —	(Check all that apply): — Is a non-consumptive use	
The Propos	_		
The Propos	001.01	— Is a non-consumptive use	
	001.01 001.02	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) 	
	001.01 001.02 001.03	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) 	
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	001.01 001.02 001.03 001.04 001.05 001.06	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) Existed before the stay or moratorium (Attach Proof) Addresses a public safety issue (Attach Explanation) 	
Other reason	001.01 001.02 001.03 001.04 001.05 001.06 on why a varia	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) Existed before the stay or moratorium (Attach Proof) Addresses a public safety issue (Attach Explanation) Is a temporary use for public construction (<10 AF) 	rogram (PPRIP) by diverting water
Other reason. The tempora	001.01 001.02 001.03 001.04 001.05 001.06 on why a varia	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) Existed before the stay or moratorium (Attach Proof) Addresses a public safety issue (Attach Explanation) Is a temporary use for public construction (<10 AF) nce should be granted: allow CNPPID to assist the Platte River Recovery Implementation Processing Pro	rogram (PPRIP) by diverting water
Other reason	001.01 001.02 001.03 001.04 001.05 001.06 on why a varia	Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) Existed before the stay or moratorium (Attach Proof) Addresses a public safety issue (Attach Explanation) Is a temporary use for public construction (<10 AF) nee should be granted:	rogram (PPRIP) by diverting water
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5. Other reaso	001.01 001.02 001.03 001.04 001.05 001.06 on why a varia	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) Existed before the stay or moratorium (Attach Proof) Addresses a public safety issue (Attach Explanation) Is a temporary use for public construction (<10 AF) nce should be granted: allow CNPPID to assist the Platte River Recovery Implementation Processing Pro	rogram (PPRIP) by diverting water
5. Other reaso	001.01 001.02 001.03 001.04 001.05 001.06 on why a varia	 Is a non-consumptive use Will replace (offset) any consumptive use (Attach Offset Plan) Is for possible unappropriated water (Attach Analysis) Existed before the stay or moratorium (Attach Proof) Addresses a public safety issue (Attach Explanation) Is a temporary use for public construction (<10 AF) nce should be granted: allow CNPPID to assist the Platte River Recovery Implementation Processing Pro	rogram (PPRIP) by diverting water
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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 fied by hand delivery 9-19-2013

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 approplacing an X in the appropriate box.	For Department Use Only
1. Name and address of owner of land under proposed project. I described on the deed or document transferring ownership of sign the application.	Names must be exactly as property. Landowner must
The Central Nebraska Public Power and Irrigation District	Filed in the office of the Department of
P.O. Box 740, 415 Lincoln Street	Fired in the office of the Department of
Holdrege, NE 68949-0740	Natural Resources ata.m./p.m.
	on
E-mail address: Telephon	ne No. (308) 995-8601 Application No
2. Name, address, and telephone number of applicant if different t	han landowner. Map No
	Water Division
	Receipt NoAmount
	Right ID
E-mail address: Telephor	ne No. ()
3a. A permit is sought to: Use natural flow Use impounded water*	3b. A permit is sought for the purpose of: Irrigation Other Temporary** Groundwater Recharge
4a. Identify the source of water (name of stream or reservoir).	4b. If applicable, identify the facility name for transporting water from the source (portable pump, name of canal or pipeline).
Platte River	Phelps Canal
5. Identify the location of the Headgate Pump	
Section 3 , Township 8 North, Range	21 E W County Gosper
1 MILE (5280') NIMES NEWS NEWS NEWS NEWS NEWS NEWS NEWS NE	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.
5280.	

^{*} A separate permit to impound water must be obtained.

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

l	Sec.	Twp.	Rge.	No. of Acres	LEGAL SUBDIVISIONS	Sec.	Twp.	Rge.	No. Acr
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						i			
							 		
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					TOTAL NUMBER OF ACRES TO I	BE IRRIGA	ATED:	0.0	
Enclosed is an aerial photograph tha	at I have	marked	l to show	w the appr	roximate location of land to be irrigate	ed as desc	cribed ab	ove.	
State the approximate quantity of v	water de	sired fo	nr		Gallons per minute	<u></u>			
- XIIIIII Juniory V			-		Cubic feet per second				
appropriation. 450 cfs									
арргориации					Acre-feet (impounded water)				
 State the estimated time required diversion facilities. 	d for c	ompleti	on of	all water	8b. State the earliest date when was beneficial purposes.	ter will h	ave been	used for	•
nonths					9-19-2013				
I certify that am familiar with the such information is true, complete	te and a	accurate	contar e.	nea m u	us application, and that to the be	st of my	knowle	edge an	a be
9/19/12				10	//	- V I	D.E. O		
2/19/13		<u> </u>		Na	VI VIII	n Kraus, I			nag
1/19/13 Date					or owner's authorized agent (with pr	oper doci	umentatio	on)	
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final project map may accompany the rawn in accordance with NAC Title 4 f the applicant, the Department will a this form must be completed in full. ailure to resubmit a corrected application non-refundable filing fee, payable to	157 — Russist wi An incoion with the Dep	cation ales for the preparent prepar	or must Surface aration of or defe- period shall t of Natural Depart Centen	be filed v Water, C of the pro ctive appl nall cause ural Resou State of N tment of N inial Mail Se bln, Nebras	or owner's authorized agent (with provided in the provided in	oper docu nental app /Title 457 s being a sequent lo	roval of 0608.pdf). llowed for ss of price	this app At the	licati requ missi fees
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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 Youd

Complete items 1 through 10 by printing in ink or typing the placing an X in the appropriate box.	e appropriate information and by	For Department Use Only
Name and address of owner of land under proposed pro- described on the deed or document transferring owners sign the application. The Central Nebraska Public Power and Irrigation District P.O. Box 740, 415 Lincoln Street Holdrege, NE 68949-0740	ject. Names must be exactly as hip of property. Landowner must	Filed in the office of the Department of Natural Resources ata.m./p.m.
		on
E-mail address: Te	elephone No. (308) 995-8601	Application No.
2. Name, address, and telephone number of applicant if diff	ferent than landowner.	Map No
		Water Division
		Receipt NoAmount
		Right ID
E-mail address: To	elephone No. ()	
A permit is sought to: Use natural flow Use impounded water* 4a. Identify the source of water (name of stream or reserve	3b. A permit is sought fo Irrigation Other Temporary** Ground Foir). 4b. If applicable, identifying the source (poing)	Manufacturing Domestic
Platte River	Phelps Canal	81-31-31
5. Identify the location of the Headgate Section 3 , Township 8 North, NWI-NWI- NEI-INWI- NEI-INWI- NEI-INWI- NEI-INWI- SWI-INEI- SE 1 MILE (5280') NWI-INWI- NEI-INWI- SWI-INEI- SE 1 MILE (2640') SWI-INWI- SEI-INWI- SWI-INEI- SE 1 MILE (1320') SWI-INWI- SEI-INWI- SWI-INEI- SE 1 MILE (2640') SWI-INWI- SEI-INWI- SWI-INEI- SE 1 MILE (2640') SWI-INWI- SEI-INWI- SWI-INEI- SE	The box at left represents or within each appropriate 40-each headgate or pump. If applicable, indicate the headgams on the line below.	County Gosper ne square mile (section). Place an X acre tract to indicate the location(s) of eight, in feet, of any diversion or check

- * A separate permit to impound water must be obtained.
- ** A temporary permit maybe granted for a maximum of one year.

LEGAL SUBDIVISIONS	Sec.	Гwр.	Rge.	No. of	LEGAL	SUBDIVISIONS	Sec.	Twp.	Rae	No.
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7										
Enclosed is an aerial photograph t	that I have n	narked	to show	w the appr	oximate location	on of land to be irrigate	ed as des	cribed ab	ove.	
										Lagra
. State the approximate quantity o	f water des	ired fo	or			per minute				
2 000					\vdash	et per second				
appropriation. 600 cfs					Acre-fee	t (impounded water)				
a. State the estimated time requir	red for cor	mpleti	on of a	all water	8b. State the	earliest date when war	ter will h	ave been	used for	
diversion facilities.					beneficia	l purposes.				
months					9-1	9-2013				
									-	
I certify that am familiar with such information is true, comple	the inform	nation	contain	ned in th	is application					
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Cory Steinke

om: Cory Steinke <csteinke@cnppid.com>

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





Phone: (308) 995-8601 Fax: (308) 995-5705

Web: www.cnppid.com

<u>VIA Certified Mail</u> 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,

Don Kraus, P.E. General Manager

dl Engle

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

Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing For Department Use Only an X in the appropriate box. Attach supporting documentation and a \$10 non-refundable filing fee. 1. Name and address of petitioner: Modification No.: VAR-4828 Date Filed: September 19, 2013 The Central Nebraska Public Power and Irrigation District Time Filed: 4:58 PM P.O. Box 740, 415 Lincoln Street SW Appropriation No.: Holdrege, NE 68949-0740 (if applicable) Right ID No .: (if applicable) Water Division: 1-A Receipt No .: A-4144 E-mail address: Telephone No. (308 1995-8601 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) 001.04 Existed before the stay or moratorium (Attach Proof) 001.05 Addresses a public safety issue (Attach Explanation) 001.06 Is a temporary use for public construction (<10 AF) Other reason why a variance should be granted: 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. Don Kraus, P.E. General Manager

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

Signature of Applicant (or authorized agent)

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

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 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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XHIBITS	
xhibit 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	riate
(6) Platte River Hydraulic Analysis Summary Document (See Exhibit 2 for the printed document.)	ne
(7) Spreadsheet of Platte River Hydraulic Analysis of Flows in the Platte Riv	er

October 2013

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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

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.

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	13110
2000	134957	129899	131260	133811	125845	130832	7013
2001	61479	63325	56212	75908	76594	72552	7135
2002	42768	45160	64780	61810	53970	61389	4231
2003	40926	39267	38330	39320	35550	40473	3196
2004	19895	19418	21166	24234	28398	30984	3193
2005	21033	25268	27648	29094	26175	29725	2544
2006	27590	25052	30626	32806	27000	36790	2383
2007	28503	26807	28934	28779	35585	42923	2441
2008	27882	26317	28853	34557	33283	32367	2957
2009	42471	32034	27532	36086	32490	32158	4886
2010	69282	79872	57991	79266	55678	91164	13082
2011	134805	128795	118111	91826	93161	132970	13136
2012	134785	127460	120617	112996	120004	105596	5708

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

		County Diver		····			
Water Year	October	November	December	January	February	March	September
1991	0	0	7570	3460	3830	0	C
1992	0	0	3490	3250	3690	0	(
1993	0	0	3380	14160	6890	0	(
1994	0	0	3050	9230	6430	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	7531:
1999	4245	5312	16410	45220	0	0	14506
2000	83134	39599	42050	51972	43603	25813	
2001	10	0	0	0	0	0	
2002	0	0	0	244	0	0	10
2003	0	0	6	0	0	6	
2004	0	516	0	0	0	0	
2005	0	0	0	0	0	0	
2006	0	0	0	0	0	0	·
2007	0	0	0	0	0	0	
2008	0	0	0	0	0	0	
2009	0	0	0	0	0	0	
2010	0	0	1259	2153	1002	175	2684
2011	13248	6817	9303	10336	14870	92034	16789
2012	96118	25046	38890	42921	27267	6581	

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.

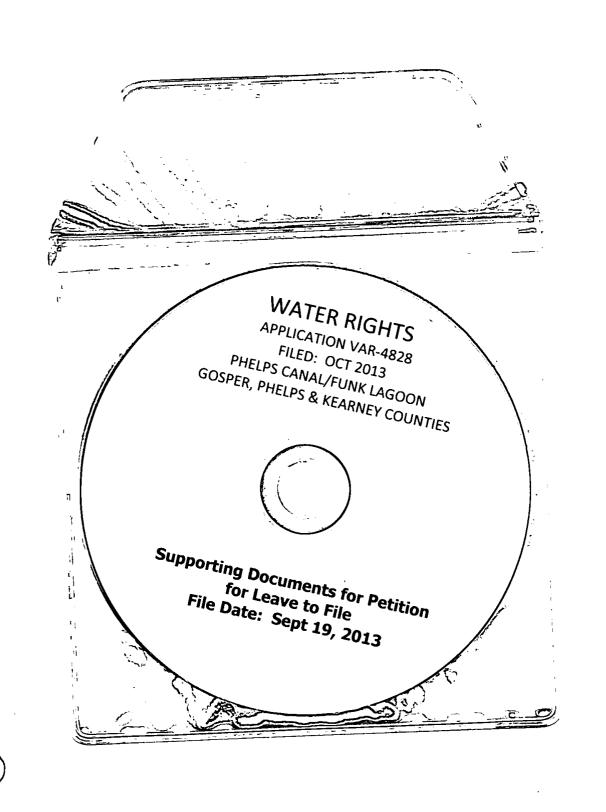
CNPPID is requesting to divert excess flows into the Phelps Canal in this temporary permit request. Excess flows are flows in the Platte River that are in excess of target flow requirements established by the FWS for the PRRIP and in excess of that needed by existing surface water appropriations. A hydraulic 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.



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)

Sum of Days o	delite S	To Manual Confession		LA CHE	A New	direct.	Name of	a nebal	11/2/11	The Car		1.0	
Yearch				pri il	lay "I	milli	ul Silia	ψ <u>β</u> ⊈S	ep C. O	CT TON	ov: "D	ec 🏡 G	rand Total 🏗
1996	24	7	-8	.2	14	17	7::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	Q	0	ø	o	:30
2003	1	Ó	.0	0	0	0	0	0	0	0	Q	1	2
2004	0	0	0	0	.0	0	0	.0	0	0	0	0	o
2005	0	0	0	.0	6	5	.0	0	0	Ö	O	Ó	11
2006	. 0	0	0	0	0	Ó	0	0	0	Q	. 0	3	3
2007	2	0	0	Ś	1	5	10	13	Ö	Ö	O	4	40
2008	4	0	0	0	14	.14	8	0	0	4	13	1	:58
2009	9	Ò	.0	.4	Ō	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	1117	203	252	12.85 1983

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

Sum of Days of	at North E	100	() ()						1,000	13.0			Mar of Maria
	Jan E Fe	6 <u>7</u> [N	/larA	pr.c. I	Viay. 1	นกับ	ůl Zást	Aug_iS	ep SCC	ct. A.N	lov, t i E	ec 🖫 G	rand/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	3Ò	16	251
2004 3	Ó	.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	257
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	2406	422	489,	480	472	448	351	317.	384	484_	475	409	

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

Sum of Days o	19 7 Pag	THE SA				acing.			Sire.				
Year 1	Jãn 🛴 [eb; i	Vlar : E	pr. 41	Māý 🗓	រ័n ្ឋ d	加州	iug's	ep. C)č t	Vőv : C	ec.	Grand Total
1996	22	26	31	30	31	30	31	31	30	31	30	2,5	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	2,3	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

Amount of Excess at Grand Island, af

Sum of Excesses	TENENT COLUMN	Continue	reconcilions	1	PROSPERSE HE	34.4.55	492354		SUF COLOR	W. 26 334	in Line		
State of the same and			Daniel Carlo	Aprimal	AND COMPANY		Carrier States	Ave	Sen	October	Nov	Dec	Grand Total
1996	20033	6942	5891	60	мау. 28582	41296	27511	61211	115281	36873	51075	51730	446486
1997	47068	4364	7359	5236	8093	166138	44054	75552	68431	52226	101972	139619	720110
1998	162131	62044	41634	124147	50599	18784	14975	41158	25131	0	62282	64008	666892
1999	93026	18090	1924	6665	150726	193570	93661	135830	122164	49111	73647	115717	1054131
2000	125992	35425	22671	4126	11286	8727	9759	40	١٥.	0	4146	6784	228955
2001	31438	1507	4146	1944	15769	.0	2321	3372	14202	0:	1408	17792	93899
2002	21640	0	793	0	0	0	0	0	Ó	0.	0	.0	22433
2003	198	0	.0	0	0	0	0	0	0	0	0	99	298
2004	0	0	.0	0	.0	Ò	0	.0	0	.0	Ó	.0	0
2005	Ò	0	0	Ó	24453	4046	0	Ó	Ó	0,	0	Ō	28499
2006	0	0	.0	0	0	.0	0	0	0	.0	0	1575	1575
2007	791	0	:0	16665	573	4544	5038	9858	O	.0	0	2894	40364
2008	545	0	0	0	63567	47550	14341	0	0	7976	11750	206	145936
2009	2182	0	:0	5199	0	25415	5536	0	127	1035	26680	12942	79116
2010	43240	2817	24357	.0.	26896	.178297	92887	.30189	3407.7	0	43240	81324	557324
2011	65297	4304	63333	118455	136286	309386	314742	192300	203467	99869	82474	128237	1718151
Grand Total	613584	, 135493	172108	282496	516831	997,754	624824	549509	582879	247091	. 4586/A	622926	<u> </u>

Amount of Excess at North Bend, af

Later and the contract of the		CIIU, BI	\$49.50 PROPERTY.		all beingeber bei eine bei	بمامار مركنا وأماركم	10:11:278		783	THE PER TA	20034.0E	385 T 9558	CHANGE STREET
Sum of Excesses a		i ilion	عرب والمراه	المناز والتراز والمرا			I i i i n	S. Consideration	ه ما المعندية	AND ADDRESS OF THE OWNER, WHEN THE PARTY AND			
Row tabels	Jan.	Feb.	Mar,	Apr. 1	May	un: La		Aug.	Sep	Oct	Novius	Dec	Grand Totals
1996	57918	173358	196862	184009	289492	384125	101456	273267	286814	250397	224671	219296	2641665
1997	147176	400469	286933	,292348	203210	330292	106633	135136	167983	_262001	316368	282946	2931494
1998	254880	334240	.304705	520074	234152	412965	132200	145589	113298	205828	302603	194879	3155411
1999	206681	262794	276004	394955	503551	834399	316289	222787	204102	231950	253293	222231	3929036
2000	230205	200294	.247481.	207891	150548	99651	77.7.73.	15709	18506	95069	146362	58136	1547626
2001	91836	90249	290702	370756	312163	76722	20847	23782	74262	110778	88028	98263	1648388
2002	42447	54546	133946	124941	72299	42368	:0	4065	6922	46057	64523	62123	654238
2003	19141	54050	128570	116788	206224	66943	7160	0	13944	20807	67518	26143	727290
2004	0	102468	165146	51869	79459	.89555	83148	754	32886	34632	81363	54824	776104
2005	18209	137992	115777	.138746	180875	256308	9600	11603	5109	21819	30744	149020	1076802
2006	96834	63492	108914	115995	14400	3134	.0	9957	67856	49409	38658	56153	624803
2007	38182	266900	213206	279297	307145	301333	41336	176928	68609	176730	84914	112881	2067462
2008	109271	197775	187520	169926	422327	601972	130772	24417	16562	202496	134005	70831	2267874
2009	150369	199064	141047	159216	102130	219117	76365	95109	80549	163559	219673	41237	1647535
2010	69700	146442	407867	175203	182422	1187779	421097	140789	145847	161576	148961	137655	3325338
2011	195573	242384	338464	357466		628789	462354	295859	222965	336283		233557	
Grand Total	1728422	2926515	3543146	3659478	3721185	(5535453)	1987031	1575752	1527315	2369390	2442462	2020175	33036323

Amount of Excess at Louisville, af

Sum of Excesses a			TEELES	SOME OF		S. #356		ens.			Sec. Sec. Sec.		
Row Labels	Jan 🔀 😁	Feb. "	Mär:	Apr	May	in: West	ريّ ("الآراد	Aug	Septation.	Oct 15			Grand Total
1996	143348	379999	305221	276381	711600	887676	170859	638389	325572	305201	271581	209517	4625343
1997	215011	567876	463841	417685	342729	482229	202456	120954	243217	329479	342709	342074	4070261
1998	473918	424866	543122	924509	485144	930480	373592	296950	75135	221517	404356	192042	5345632
1999	205689	367721	371867	785605	967750	1188117	533462	343007	223322	212195	227031	254880	5,680645
2000	284950	310398	282411	210767	152908	183295	158541	7934	397	34691	132081	55320	1813693
2001	169193	119407	591718	580570	641920	202218	52880	12774	84636	57978	64642	97271	2675206
2002	91439	50976	236056	154455	145867 `	76087	0	26797	1408	15689	20252	31657	850683
2003	15471	28166	136465	134323	381249	141503	22513	0	18823	Ó	4027	5415	887953
2004	2579	229094	282609	50222	211322	155665	125496	0	18863	.1051	54844	29336	1161081
2005	32073	166931	108676	251349	309228	430558	21680	555	0	0	3888	124822	1449760
2006	117602	50778	110620	249663	29316	3213	0	4750	118712	15273	16205	61786	777929
2007	116729	563929	453726	498394	620419	550620	26242	378392	148743	485105	243812	194641	4280750
2008	214714	338564	434347	382240	804032	1478303	358994	48239	67518	423299	383054	192459	5125761
2009	422763	519538	329975	311727	183573	497224	175540	164690	179646	266206	356455	62460	3469796
2010	95010	163956	1013211	297942	320474	2821489.	749485	308553	261941	223124	259481	229511	6744178
2011	319879	452655	494070	597232	755495	1009602	775350	371291	261961	324302	298834	293637	5954308
Grand Total	2920367	4734853	6157934	6123065	7063025	11038277.	3747089	2723286	2029894	2915110	3083252	2376828	54912979

October 2013 Exhibit 2 Page 3 of 5

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

Sum of Available E	44.00	in In	7 EV 400	L. Carl		ARMED III	42 A						
Years	Jan 📆 🗀	Fēb; ;;;;;	Mar.	April 4.	May.	in Time	jūr.	Augras 4	Sep:	Oct () A.L.	Nov iii		rand 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	S1087	83966	111506	441704
1998	92356	54407	33700	88702	41747	16019	13083	34008	25059	0	52282	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	Ó	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	Ó	0	0	0
2005	0	0	0	0	.2633	4045	-0	0	0	0	0	0	6680
2006	0	0	0	0	0	,o	•0	0	0	0	0	0	0
2007	O.	0	.0	7008	57.3	3661	:5027	6784	0	0.	0	1117	24169
2008	347	.0	Ō	0	6033	3537	6015	0	Ö	381	8856	0	25169
2009	1587	0	0	267.7	0	20056	5275	0	127	133	26352	12942	69148
2010	41181	2817	17015	Ģ	20876	48286	61817	30025	3407,7	.0	43240	79167	37850 <u>1</u>
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 E		3,419	The same		T. J. Color						1.77		3
	Jan 📜 🗓	eb)	Mar/	pr	May. 1	in TE	ul Ey	Aug	ep	Oct .	Nov	Dec" Gr	ind Total
1996	44732	76127	79437	84184	.55373	71646	42308	63224	95724	90160	102269	69260	874444
1997	74558	92147	102503	93403	78394	587.79	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	ø	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	O	: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

excesses available	8172 011 00	193 OI. LAC	E33 OL LUUI	341110, 61						-	-		THE PERSON NAMED IN
Sum of Available E	Subject 1	A SALE	المعافلة المائة	والعلائلة			4.4		برو از از در دو	44.0.44	بموتوس الري		والألفظة المالية
Year	Jan (CUE	Feb.	Mar	April 1	May	un 🚉	阿萨亚岛	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	587.79	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	27,876	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	65817
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	. <i>277</i> 4556	853276	756502	8212727

Available Excesses at J2 for Each Location

	Location (
Year 1000 1	Grand Islands	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	O ⁻	5893 6	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

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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 <u>20</u> day of <u>September</u>, 2013, by and between The Cantral 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 Burtington Street, Holdrege, NB 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, NB 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:

WHERBAS, Central is the owner of the Pholps 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

WHERRAS, 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 Rahancement Project Interlocal Cooperation Agreement, hereinafter referred to as the "PBHEP" and through the PBHEP are willing to provide compensation for groundwater recharge projects; and

WHERBAS, 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

WHERBAS, 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

Water Service Agreement - Rocharge from Excess Flows
Between Central and Tri-Basin NRDMebraska DNR

Page 1 of 1

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 Dato"), 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, carthquake, 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.

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

Page 2 of 2

- 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 AGREMENT. 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 impro 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.

By General Manager

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

By Buan P Dunnigan

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Water Service Agreement - Respired from Bucers Flows
Between Central and Tri-Basin Michigan Street Basin Michigan Street Basin Michigan Street Basin Michigan Basin M

Page 3 of 3

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THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT,
By Sun Space General Manager

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

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October 2013

WATER SERVICE AGREEMENT – RECHARGE FROM EXCESS FLOWS BETWEEN

THE CENTRAL NEBRASICA PUBLIC POWER AND IRRIGATION DISTRICT, NEBRASICA 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 "Platte Program,")

WITNESSETH:

WHERBAS, 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 Counfies" (heroinafter "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 scepage 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, as determined by Central.

Water Service Agreement - Recharge from Excess Flows
Between Central and Foundation/Platte River Program

Page I of 3

- 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. TBRM. 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 MAJBURE. 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, subotage, or restraint by court or restrictions by other public authority which delays or provents 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 panalty 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. DBFAULT. 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.

Water Service Agreement - Recharge from Excess Plows
Between Central and Poundation/Platte River Program

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- 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 BEFECT. 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.

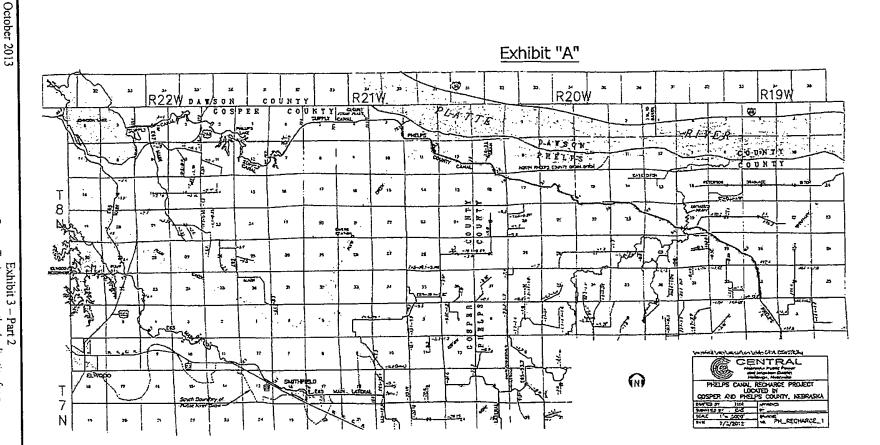
	NEBRASKA COMMUNITY POUNDATION
Date 9 19 2013	By Diane M. Wilson Chiof Operating Officer/Chief Financial Officer
Date <u>09/13/13</u>	PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM - Office of the Executive Director By Jerry F. Kenhy, Ph.D. Executive Director
Date <u>D9/19/13</u>	THE CENTRAL NEBRASKA JUBLIC POWER AND IRRIGATION DISTRICT, By

Water Service Agreement - Recharge from Excess Flows
Between Central and Foundation/Platte River Program

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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 <u>40</u> day of <u>Sphender</u>, 2013, by seed between The Central Nebrasia Public Power and Irrigation District, 2 public corporation and political subdivision of the State of Nebrasia, with its principal office located at 415 Lincoln Street, P.O. Box 740, Holdrego, NE 68949-0740, hereinafter referred to as "Central" and the Nebrusian Cummunity Boundation (representing all signatories to the Platte River Recovery Implementation Program), a Nebrasia con-profit corporation, with its principal office located at 3833 South 14th Street, Lincoln, Nebrusia 68501-3107, hereinafter referred to as "Poundation," and the Platte River Recovery Implementation Program, with its principal office located at 4111 4th Avenue, Suite 6, Kenney, Nebrusia 68845, hereinafter referred to as "Platte Program," (Jointly referred to as "Parties" and individually as "Party."

WIINESSETH:

WHEREAS, Control is the owner of the Phelps Carol as shown on Exhibit A; and

WHIREAS, Control filed in September of 2013 with the Nebraska Department of Natural Resources (heroinafter "DNR") a "Pedition for Leave to File an Application for a Temporary Permit to Appropriate Water for Groundwater Recharge on the Phelps Canal and Funk Lagues in Gasper and Pholps Counties" (beneficially "Appropriation"); and

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

WHEREAS, Central desires to provide such recharge services.

NOW, THEREFORE, IN CONSIDERATION of the mixingle coverages and agreements havein contained and the terms and conditions bernisafter set forth, it is batchy coveraged and agreed:

I. WATER SERVICE.

- a. Daring the term of this Agreement, Control will provide the Platte Program with groundwater recharge via recoping through the Plank Lagroon (upon Control's receipt of written permission from the US Fish and Wildlife Service to provide this water service to the Funk Lagroon. The Total Amount Diverted shall be measured by Control using measuring dovices at or near the Funk Lagroon. The Total Amount Diverted shall not exceed the lesser of 2,000 acre fact or the quantity permitted by the US Fish and Wildlife Service.
- b. Control may make reasonable adjustments in the Total Amount Diverted as may be appropriate. Control shall constalt with the Platte Program in making such adjustments. All data used by Control 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:

Water Service Agreement - Rocharge for Porth Logous from Excess Plotes

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- a. A Water Service Charge of twenty five dollars (\$25.00) per sere-foot will be charged for the Total Amount Diverted, adjusted according to provisines in paragraph I above. All measurements made through Contral'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. Psyment shall be the within 60 days of invoice.
- 3. TBRM. The term of this Agreement shall commence when this Agreement is signed by the Poundation, the Piette Program, and Cantral (the "Commencement Date"), and shall empire on December 31, 2013. Either Contral 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 Platic 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 resharge occurring as a result of water delivered to Peak Lagnes as described in Section 1 above shall be allocated to the Platte Program. All other credits recalling from recharge occurring past mile post 13.3 on the Phelps Canal shall be retained by Central.
- 7. FORCE MAIEURE. Central shall not be liable for any delay or fallous to perform its obligations under this Agreement caused by an event or condition beyond the reasonable control of, and without the fault or negligeness of Central, including, without limitation, failure of facilities, flood, cartiquake, storm, lightning. If reserver cold or other weather event, epidemia, contamination, war, terrorist act, riot, civil disturbance, labor disturbance, accidents, substage, or restmint by court or reministions by other public surfactly which delays or provents 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 difference 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 damagest, provided that Contral shall give the Pinto Program prompt written notice describing the perfeculars 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 remody its inability to perform and provides progress reports to the Pixtle Program describing the actions taken to remody the consequences of the event or condition.
- 8. DEFAULT. If any Party to this Agreement fails to perform or otherwise breaches may of the terms of this Agreement, then such failure shall constitute a default. In the event of default by may 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 care the default within thirty (30) days. Upon euro, this Agreement shall remain in fall force and effect. If the defaulting Party fails to care, the non-defaulting Party's shall be entitled to any and all legal and equitable remedies except Central's total liability to the Plutte Program and Foundation for any ioss 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 Control pursuent 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 bureby and supercedes all prior agreements and understandings

Water Service Agreement - Rectures for Profit Lagues from Choose Phose Between Central and Foundations Plates River Programs

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October 2013

between the Parties with respect to much subject matter.

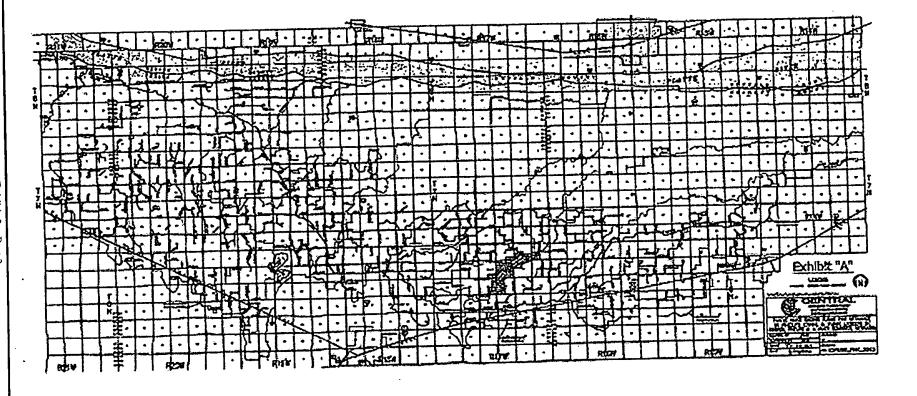
- 10. AMENDACENT. No amondment to this Agreement shall be valid unless it is in priting and signed by the Parties hereto.
- 11. HINDING HIPECT. This Agreement shall imure to the benefit of and be binding on the Parties, thair successors and assigns. This Agreement may not be assigned by the Plante Program or the Foundation without the written connect of Central.
- 12. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Nebrasia.

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

De20	9[20[1013	NRBRASKA COMMUNITY FOUNDATION By Diono bl. Wilson Chlaf Operating Officer/Chiaf Pinancial Officer
Date	01/23 /2013	PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM - Office of the Executive Director By
Dato	4/25/2013	THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT, By Don D. Kritis General Manager

Water Service Agreement - Rectarge for Pasik Lagran from Excess Flows
Between Control and Foundation/Visits River Program

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