

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

NeDNR SW-001
March 2018

**PETITION REQUESTING 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**

Instructions:

1. Complete items 1 through 5 by printing in ink or typing the appropriate information and by placing an X in the appropriate box.
2. Attach a copy of the completed proposed application for a new surface water appropriation.
3. Attach any supporting documentation.
4. Include a \$10 non-refundable filing fee.

FOR DEPARTMENT USE ONLY

Filed in the office of the Department of Natural Resources
at 10:25 on August 24, 2021
Modification VAR- 9429
SW Application: _____ RightID: 13976
Water Division: 1-A
Receipt Number: 55 Amount: \$ 10-

1. Name and contact information of petitioner:

Name: Platte Pipe Line Company, LLC; Paul Turner

Address 1: 11 E. Superior St., Suite 125

Address 2: _____

City & State: Duluth, MN

Zip Code: 55802

Phone Number: (218) 522 - 4891

E-Mail Address: paul.turner@enbridge.com; cc: kathy.mays@enbridge.com

Cell Phone: () _____ - _____

2. Check the situation that applies:

- ☐ Application already filed. Application Number: _____
- ☒ Application not filed. (Enclose copy of proposed application)

3. Description of proposed project:

Platte is proposing to install armoring material along the right bankline of the South Platte River, on the either side of the Line 41 pipeline, to stabilize the riverbank and protected the pipeline from future erosion and destabilization of the bank due to seasonal flooding.

4. The proposed project must meet at least one of the following criteria. (Check all that apply)

- ☒ 1. The proposed project is for a non-consumptive use. (Attach description of use)
- ☐ 2. The applicant has a credible proposal for replacing any consumptive use that will occur in a manner such that the project will not harm other users. (Attach offset plan)
- ☐ 3. The Applicant has credible information that indicates there **may be** unappropriated water available at the proposed location at the time the depletion is likely to occur. (Attach analysis)
- ☐ 4. The project existed prior to any informal moratorium, formal moratorium or stay. (Attach proof)
- ☒ 5. There is a public safety issue that must be addressed and the proposed project addresses that issue. (Attach explanation)
- ☒ 6. The proposed use is a temporary use for public construction and the total volume requested is less than ten (10) acre-feet.

5. Other reason(s) to show good cause why a variance should be granted:

The appropriation will be temporary in nature, under 10-ac-ft of use, and uncontaminated water will infiltrate back to the water source after use. Water will drain into sub soil pulling loose soil downward filling in air gaps that will allow for proper compaction of the area.

08/23/2021

Paul Turner

Paul Turner

Date

Signature of Petitioner (or authorized agent)

Print Name

If you have any questions regarding this form, please contact the Surface Water Permitting Section at the Department of Natural Resources (402) 471-2363

Forward this petition, all supplemental documentation and a \$10 non-refundable filing fee to:

State of Nebraska
Department of Natural Resources
301 Centennial Mall South
P.O. Box 94676
Lincoln, Nebraska, 68509-4676

SUPPLEMENTAL INFORMATION

Platte Pipe Line Company, LLC Line 41 South Platte River Geohazard Remediation Project Petition Requesting Leave to File or Consider An Application for a New Surface Water Appropriation Within a Moratorium or Stay Area

Question 4.

Number 5. There is a public safety issue that must be addressed, and the proposed project addresses that issue.

To help ensure the safe and reliable operation of Line 41 (L 41), Platte Pipe Line Company LLC (Platte) is proposing the L41 South Platte River Geohazard Remediation Project (Project). Observations from recent inspection and maintenance work identified a potential geohazard on L41 at its crossing of the South Platte River due to river scouring caused by frequent flooding events. Platte is proposing to install armoring material along the south/east bankline and up/downstream of the pipeline crossing to stabilize the riverbank and protect the pipeline by meeting Enbridge's safety and engineering standards.

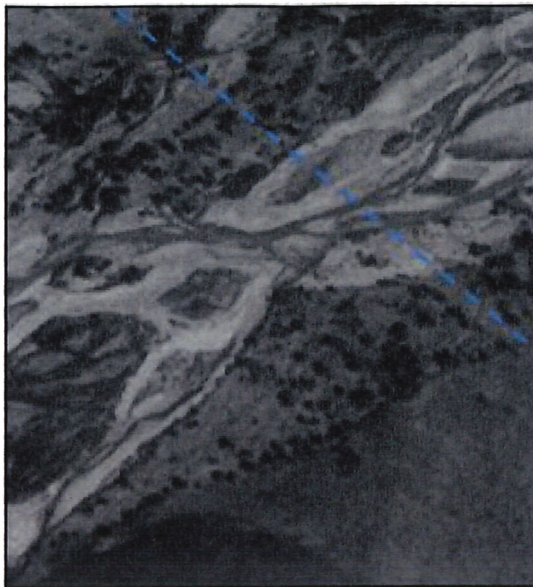
Review of historic aerial imagery shows that changes in the South Platte River's channel alignment is largely shaped by flood events. Figure 1 shows the southward migration of the South Platte River over the pipeline crossing caused by two flooding events in 1999 and 2013. Platte verified that the images from September 2014 represent the existing conditions by conducting a topographic survey and a site visit in June of 2020.

It is evident that these flood events caused appreciable bank erosion near the pipeline crossing and Platte recognized that a flood with a 25-year recurrence interval has the scour potential to expose the top of the pipe. The proposed riprap revetment along the existing right bank is intended to reduce the likelihood of bank erosion and localized scour over the pipeline.

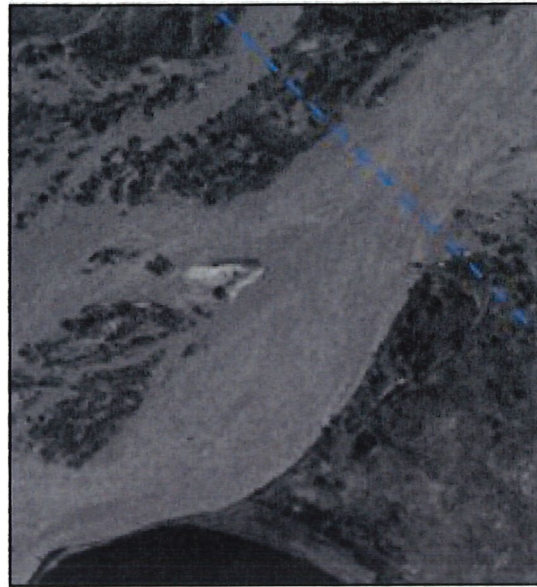
HISTORIC FLOOD EVENTS

Platte Pipe Line Company, LLC

Line 41 South Platte River Geohazard Remediation Project



May 1999 – Pre-Flood



May 1999 – Flood Conditions



December 2010



September 2014

Historic Imagery of the South Platte River at the Pipeline Crossing (Google Earth Pro Version 7.3.2.5776. kh.google.com)



Katy Mays, MP
Environmental Advisor

918-399-6154
katy.mays@enbridge.com

Platte Pipe Line Company, LLC
2101 S. Linwood Ave
Cushing, OK 74023

August 23, 2021

Surface Water Permitting
Nebraska Department of Natural Resources
301 Centennial Mall South
PO Box 94676
Lincoln, NE 68509

RECEIVED

AUG 24 2021

DEPARTMENT OF
NATURAL RESOURCES

Re: Platte Pipe Line, LLC
Line 41 South Platte River Geohazard Remediation Project
Application for Permit to appropriate Water and Variance Request

Dear Permitting Staff,

Platte Pipe Line Company, LLC (Platte) is proposing the Line 41 South Platte River Geohazard Remediation Project (Project) located in Township 13N, Range 41W, Sections 24 and 25, and Township 13N, Range 40W, Section 30 in Keith County, Nebraska. Observations from recent inspection and maintenance work identified a possible geohazard on Line 41 (L41) at its crossing of the South Platte River due to river scouring caused by frequent flooding events. Platte is proposing to install armoring material along the south/east bankline and extending up/down stream of the pipeline crossing to stabilize the riverbank and protect the pipeline by meeting Enbridge's safety and engineering standards.

The Project will be accessed from the south off of Road West 55 via a field access that will measure approximately 30-feet-wide by 3,380-feet-long (2.3 acres). As currently designed, the Project includes an approximately 263-feet-wide by 663-feet-long (5.09 acres), irregularly-shaped staging area which will be located immediately off the access road and adjacent (south) to the temporary workspace. Temporary workspace for the rip rap armored bank will measure approximately 151-feet-wide by 1,012-feet-long (3.46 acres) and will follow the ordinary high-water mark along the eroded bankline. Within this temporary workspace, the rip rap extent will be approximately 30-feet-wide by 960-feet-long (0.66 acre). The rip rap face will be 2-feet-thick along a 2:1 slope, with additional rip rap placed 10-feet below the toe of the slope and at the upstream and downstream ends, for a total of 2,600 cubic yards of permanent fill. The rip rap slope face, consisting of 12-inch (d50) angular rock, will be underlain with a non-woven geotextile fabric to protect the bank from future erosion. Topsoil may be added to the area behind the rip rap armored bank, as needed, to level the grade with existing upland elevations and planted with native vegetation to help stabilize the area. Landowners will be notified prior to the start of Project activities. Overall construction is anticipated to commence August 23, 2021 and be completed in approximately seven (7) weeks.

Platte is proposing to appropriate water from the South Platte River to use during compaction of the backfill. To ensure proper compaction, the material will need to have optimum moisture content. Therefore, water will be mixed with the subsoil to achieve a solid foundation along the base of the rip rap wall. To appropriate water, a 2-inch intake hose will be suspended above the bottom of the riverbed using a 5 gallon bucket sump pump to minimize capture of sediments from

the river bottom. Platte's proposed appropriation location is identified on the enclosed topographic and aerial-based figures. Best management practices will be implemented during the activities.

Platte is hereby submitting an *Application for a Permit to Appropriate Water* and a *Petition for New Surface Water Appropriation within a Moratorium Area* for the Line 41 South Platte River Geohazard Remediation Project. Enclosed are the applications, maps showing the Project location and appropriation local, and the filing fee.

Platte would like to emphasize the importance of properly maintaining its pipeline and will take appropriate precautions to prevent temporary and permanent environmental impacts. If you have questions about the information presented in this permit application, please contact me at (918) 399-6154 or by email at katy.mays@enbridge.com, or Platte's consultant Kari Krause of Merjent, Inc. (Merjent) at (612) 643-5248 or by email at kari.krause@merjent.com.

Sincerely,



Katy Mays
Environmental Advisor
Platte Pipe Line Company, LLC

CC: Kari Krause, Merjent

Enclosures: Application for a Permit to Appropriate Water
USGS Topographic and Aerial Location Maps
Landowner Easement
Petition for New Surface Water Appropriation within a Moratorium Area and
Supplemental Information
Filing Fee of \$10

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

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.

Platte Pipe Line Company, LLC has an easement agreement with the landowner for activity within the protected area. See attached.

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

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 _____

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

Platte Pipe Line Company, LLC
Paul Turner
11 E. Superior St., Suite 125
Duluth, MN 55802

E-mail address: paul.turner@enbridge.com Telephone No. (218) 522-4891

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** Temporary construction to compact soil

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

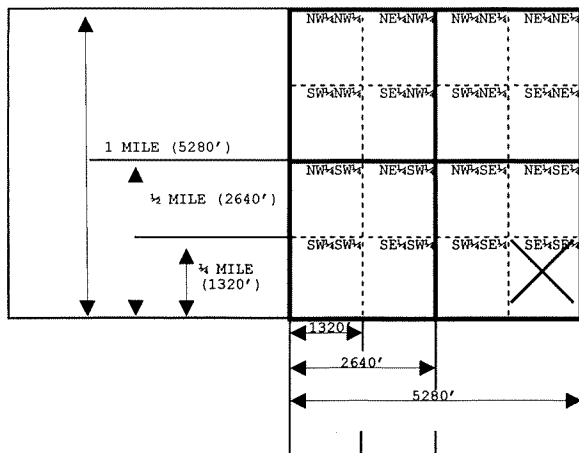
4b. If applicable, identify the facility name for transporting water from the source (portable pump, name of canal or pipeline).

South Platte River

Portable pump

5. Identify the location of the ☐ Headgate ☒ Pump

Section 24, Township 13 North, Range 41 E ☐ W ☒ County Keith



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.

N/A

* A separate permit to impound water must be obtained.

** A temporary permit may be 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. 73

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

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

8b. State the earliest date when water will have been used for beneficial purposes.
August 31, 2021

9. Will this project be constructed under a federal program, receive federal funding, or have federal planning assistance?
☒ No ☐ Yes If yes, explain: _____

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.

Date _____ Signature of owner or owner's authorized agent (with proper documentation)

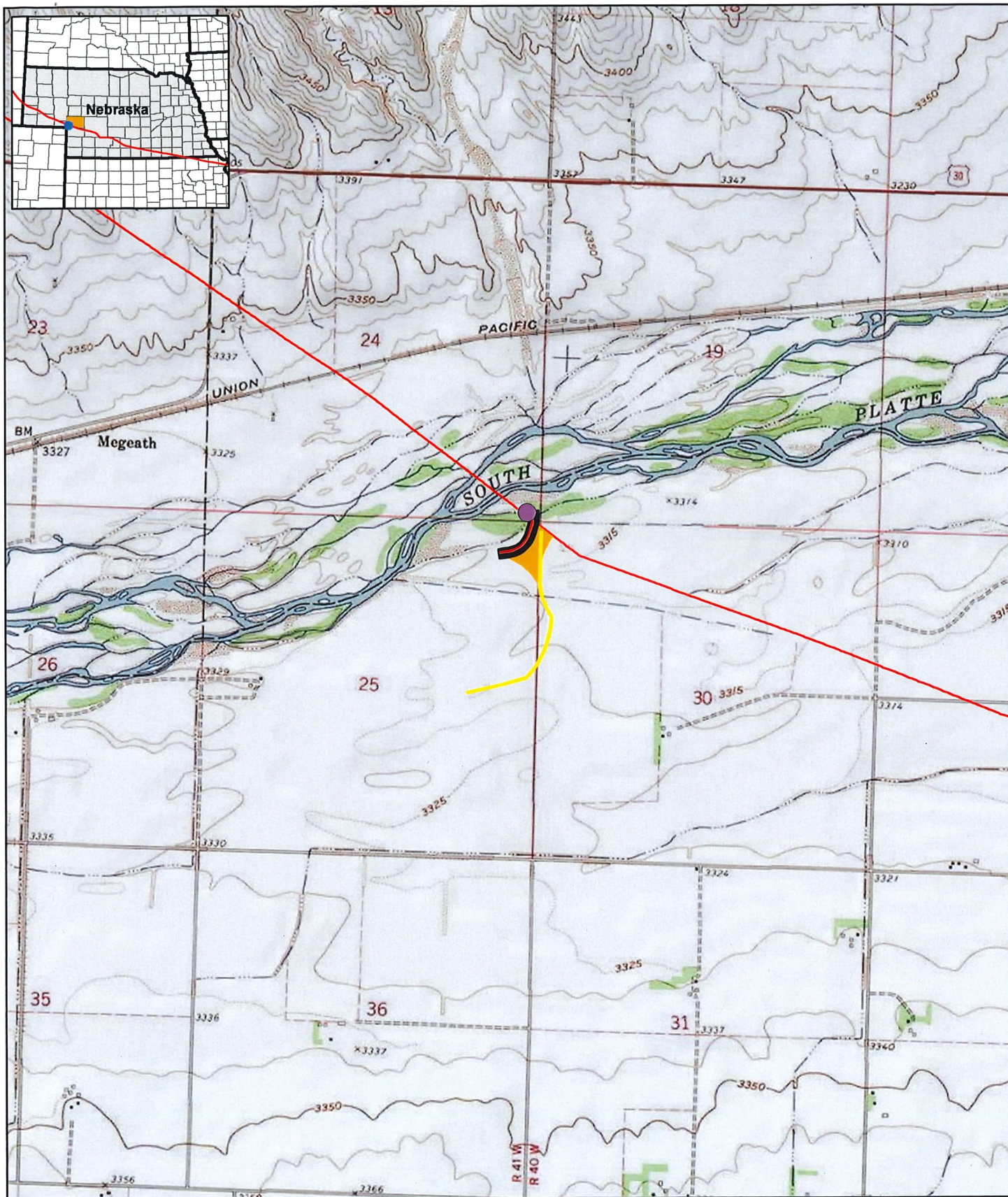
A final project map may accompany this application or must be filed within six months following departmental approval of this application, drawn in accordance with NAC Title 457 – Rules for Surface Water, Chapter 10, (<http://dnr.nebraska.gov/swr/surface-water-rules>). At the request of the applicant, 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.

A non-refundable filing fee, payable to the Department of Natural Resources, computed from the table below must accompany this application. Forward this application and applicable fees to:

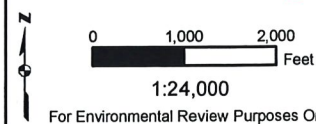
State of Nebraska
Department of Natural Resources
301 Centennial Mall South / P.O. Box 94676
Lincoln, Nebraska 68509-4676
(402) 471-2363

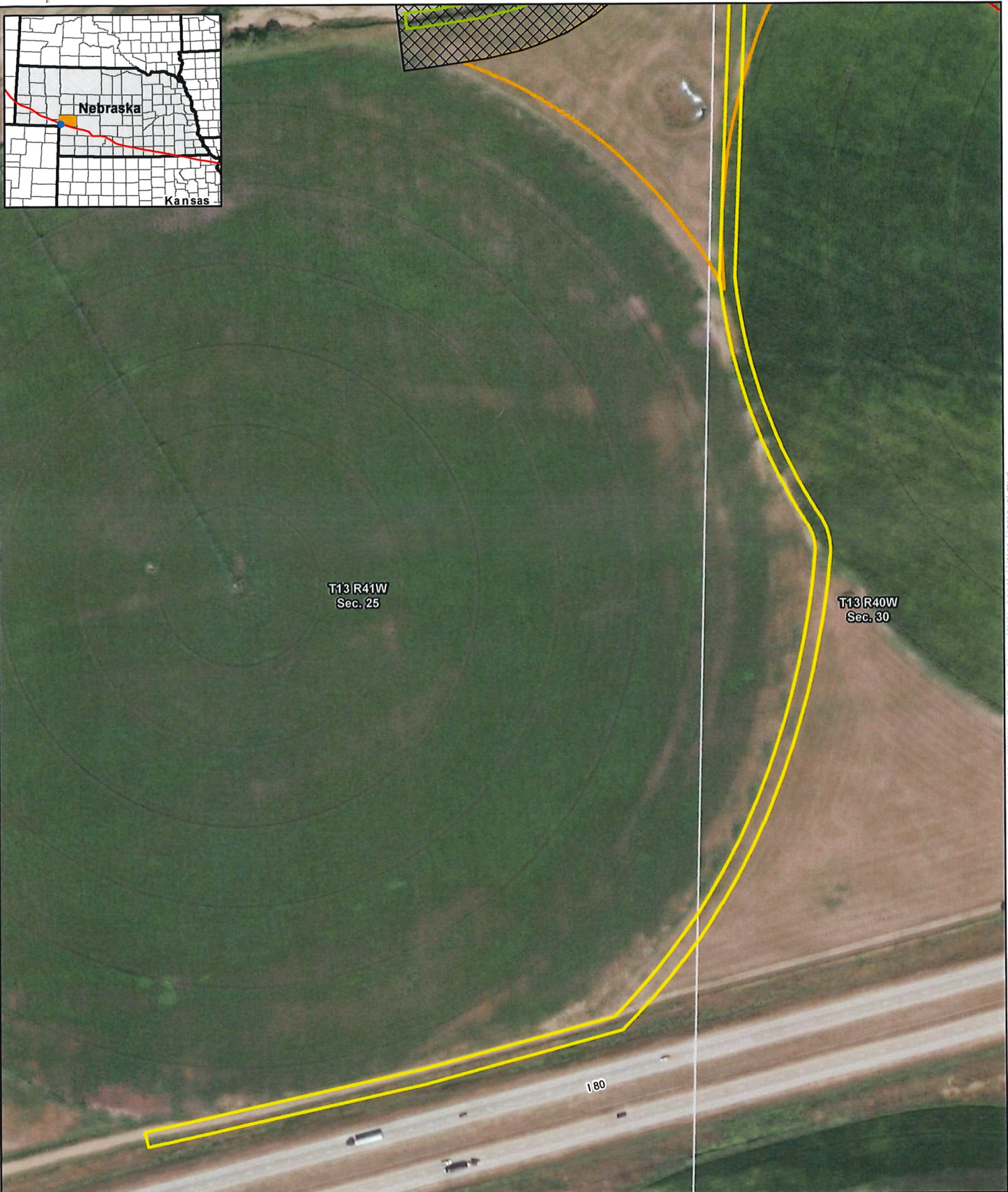
Nature of Use	Cost	Nature of Use	Cost
Domestic.....	\$10	Manufacturing	
Agricultural		General.....	\$10
Irrigation from Stream		Power Generation for each theoretical 50 horsepower.....	\$5
0-1,000 acres.....	\$200	Other.....	\$10
Each additional 1,000 acre unit.....	\$100		
or portion thereof in excess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



- | | |
|--|--|
| Riprap | Line 41 |
| Access Road | Water Withdrawal Location |
| Construction Workspace | |
| Staging Area | |

South Platte River Remediation Project
Platte Pipe Line Company, LLC
 T13 R40W Sec. 30
 T13 R41W Sec. 24
 T13 R41W Sec. 25
 Keith County, Nebraska





- Access Road
- Riprap
- Construction Workspace
- Staging Area
- Line 41
- Water Withdrawal Location

South Platte River Remediation Project
Platte Pipe Line Company, LLC
 T13 R40W Sec. 30
 T13 R41W Sec. 24
 T13 R41W Sec. 25
 Keith County, Nebraska

1:3,000
 For Environmental Review Purposes Only

Source: Z:\Client\Intentional\IP\IP_Special_Projects\2005\Plate_River_Remediation\GIS\South_Plate_River_DOC_Aerial_Water_Removal.mxd Date: 10/23/2021

10410-436
11/11/50

23-P-1500-9-50

(NEBRASKA)

RIGHT OF WAY

FOR AND IN CONSIDERATION OF THE SUM OF Eleven and No/100.....DOLLARS,
to the grantors paid, the receipt of which is hereby acknowledged, _____

Joshua L. Brown, & Jennie C. Brown (Husband & Wife)

herein called Grantors, hereby grant unto PLATTE PIPE LINE COMPANY, a Delaware corporation, hereafter called Grantee, its successors and assigns, the right to lay, maintain, inspect, operate, protect, repair, replace and remove a pipe line and equipment and apparatus therefor, for the transportation of liquids and/or gases on, over and through the following described land of which

grantors warrant they are the owners in fee simple, situated in Keith County, State of Nebraska,
to-wit:

Northeast Quarter of Section Twenty-five (25), Township Thirteen (13) North,
Range Forty-one (41) West. (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and Lots 1 & 2)

together with the right of unimpaired access to said pipe line and the right of ingress and egress on, over and through said land for any and all purposes necessary and incident to the exercise by said grantee of the rights granted hereunder.

The said grantors have the right to fully use and enjoy the said premises except as the same may be necessary for the purposes herein granted to the said grantee. Grantors agree not to build, create or construct, any obstruction, engineering works, or other structure over said pipe line or lines, nor permit same to be done by others.

In addition to the above consideration, grantee agrees to pay any damages which may arise to crops, buildings, drain tile, fences and timber, by reason of grantee's operations.

Any pipe line or lines constructed by grantee across lands under cultivation shall, at the time of the construction thereof, be buried to such depth as will not interfere with such cultivation.

As a part of the consideration hereinabove set forth Grantors hereby grant unto said Grantee the right at any time or times to construct and operate an additional pipe line or pipe lines alongside of said first pipe line on, over and through said land, and

Grantee agrees to pay Grantors for each additional pipe line so placed the sum of Eleven and No/100..... Dollars, on or before the time Grantee commences to construct such pipe line on the land hereinabove described. Said additional line or lines to be subject to the same rights, privileges and conditions as the original line.

Grantee shall have the right to change the size of its pipes, the damages, if any, in making such change to be paid by said grantee.

It is agreed that any payment hereunder may be made direct to said grantors or any one of them, or by depositing such payment to the credit of said grantors or any one of them in the Bank of Brule Bank of Brule, Nebr., and payment so made shall be deemed and considered as payment to each of said grantors.

The rights herein granted may be assigned in whole or in part.

The terms, conditions and provisions hereof shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

Notwithstanding any provision to the contrary herein contained, any portion of any
pipe line constructed hereunder by Grantee which crosses any rivers, creeks or ravines may,
at the option of Grantee, be constructed on either overhead crossings installed by
Grantee or laid in the bed of such river, creek or ravine and not buried to any particular
depth.

IN WITNESS WHEREOF, We have hereto set Our hands and Our seals
this 11TH day of DECEMBER, 1950.

Signed, sealed and delivered in the
presence of

[Signature]

Joshua L. Brown (Seal)
Jennie C. Brown (Seal)
____ (Seal)
____ (Seal)

NEBRASKA INDIVIDUAL

STATE OF NEBRASKA, }
COUNTY OF _____, } SS.

On this _____ day of _____, 195____, before me, _____, a Notary Public
within and for said state and county, personally came the above-named _____, who is per-
sonally known to me to be the identical person whose name is affixed to the above instrument as grantor, and acknowledged the in-
strument to be _____ voluntary act and deed.

Witness my hand and seal of office at _____, the date aforesaid.

Notary Public

My Commission expires _____

HUSBAND AND WIFE

STATE OF NEBRASKA, }
COUNTY OF Keith, } SS.

On this II day of December, 1950, personally appeared before me, M. H. Adams,
a Notary Public within and for said state and county, Joshua L. Brown and Jennie C. Brown,
his wife, whose names are subscribed to the annexed instrument as parties thereto, personally known to me to be the individuals
described in and who, executed the said annexed instrument as parties thereto, and they severally acknowledged the same to be
their voluntary act and deed.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

M. H. Adams
Notary Public

My Commission expires Aug 12, 1952

Series 515 Line No. 133

FROM

Joshua L. Brown & Jennie C. Brown

(His wife)

TO

PLATTE PIPE LINE COMPANY

Line Gurley O Ogallala 20" T.L.

Auth-No-I.

Length II Rods

District 515

G. R. B. Draft No 01072

300

STATE OF NEBRASKA
KEITH COUNTY

Entered on Numerical Index and Filed for Record
his 14 day of December, A. D., 1950
at 9:00 o'clock, A. M., and recorded it
Book 1 of Maps on page 118.

W. P. Flanagan County Clerk
W. P. Flanagan Deputy

Fee ☒
Index ☒
Numer. ☒
Rec. ☒
Proofed ☒

Return to
W. P. Flanagan,
Supt. R. R. for Way Dept.
P. O. Box 450
Independence, Kans.

AFFIDAVITSTATE OF NebrCOUNTY OF KeithJoshua L. Brown & Jennie C. Brown, his wife.being first duly sworn, depose(s) and say(s) that they~~is~~ the owner(s) of record of the following described real estate
aresituate in Keith County, Nebraska:Northeast Quarter of Section Twenty-five (25), Township Thirteen (13)North, Range Forty-one (41) West. (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and Lots 1 & 2)and that ~~he is~~ they are now in possession thereof.

✓

Jennie C Brown
Joshua L. BrownSubscribed and sworn to before me this 11TH day ofDECEMBER 19 30.

My commission expires 8-12-1952

M. Adams
Notary Public

