

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER GRANTING PERMIT TO TRANSFER GROUND WATER TO AN ADJOINING STATE AND TO
AMEND AN EXISTING PERMIT TO TRANSFER GROUND WATER FOR INDUSTRIAL USE

The Director of the Department of Natural Resources (Department) approves Application TA-43, submitted by Bruce Nienhueser, for a new permit to replace Permit TA-38, which expired on December 31, 2008, and which allowed ground water to be withdrawn and transported to Colorado for use in wind farm construction.

The Director approves Application I-15A, submitted by Bruce Nienhueser jointly with Application TA-43, to amend existing Permit I-15 to extend the expiration date of the permit to December 31, 2012. No additional ground water withdrawals are requested or granted, and no new wells will be constructed.

The considerations for approval of an industrial ground water transfer permit are described in Sections 46-683(1) and 46-715(3)(c) RSS. In its Order granting Permits TA-38 and I-15, dated June 25, 2007, the Department summarized the findings and considerations relevant to the approval of Permit I-15. No new withdrawals are requested under permit amendment I-15A, and the consumptive use of the wells will not change as a result of the requested amendment. Consequently, all information contained in the application documents for Permit I-15 remains unchanged and pertains to the requested permit amendment. The findings listed in Permit I-15 are hereby incorporated into this Order and are not restated for the purpose of considering Application I-15A.

The terms and conditions of Permit TA-43 and Amendment I-15A are as follows:

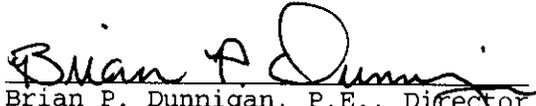
1. Transfer permits TA-38 and I-15 authorized the Applicant to withdraw and transfer a maximum of 38 acre-feet (12,382,338 gallons) from water wells G-094357A and G-094357B for industrial use and expired December 31, 2008. Permit TA-43 and Amendment I-15A authorize the expiration date of the transfer to be extended to December 31, 2012.
2. The maximum daily withdrawal shall not exceed 72,000 gallons.
3. The Applicant may withdraw and transfer ground water from the existing water wells identified as follows: G-094357A, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, and G-094357B, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, all in Township 12 North, Range 49 West of the 6th P.M. in Cheyenne County, Nebraska. The water shall be used for road and wind-tower construction at a proposed wind power-generation facility being constructed in Logan County, Colorado.
4. All terms and conditions of transfer permit I-15 not inconsistent with transfer permit TA-43 and amendment I-15A are hereby incorporated into and made a part of transfer permit TA-43 and amendment I-15A.

5. Bruce Nienhueser shall comply with all state and federal laws and the regulations of the Department and the South Platte Natural Resources District, including, but not limited to, the following:
 - a. Any replacement water wells must be registered as required by Section 46-602(1) RSS.
 - b. The withdrawal and transfer must be in accordance with the provisions of the South Platte Natural Resources District's integrated management plan.
6. The Applicant shall provide access to the property described herein at reasonable times for purposes of inspection by officials of the South Platte Natural Resources District or of the Department.
7. The Applicant shall notify the Department of the need for any abandonment or replacement of the permitted wells and any changes in the place of use or nature of use, pursuant to the requirements of Section 46-602 RSS.
8. The Applicant shall maintain flow meters on the transmission pipeline used to transfer ground water for construction purposes and on wells G-094357A and G-094357B, such that all ground water withdrawn from the wells and transferred to Colorado by any means will be measured. By January 31 of each year, the Applicant shall file in the office of the Department a completed "Water Transfer Ground Water Well Report" and "Industrial Ground Water Well Report" on forms provided by the Department, listing the amount of ground water transferred by month over the course of the construction project.
9. Permit TA-43 and Amendment I-15A shall expire on December 31, 2012.

THIS PERMIT MAY BE REVOKED OR MODIFIED BY THE DEPARTMENT FOR FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT.

DEPARTMENT OF NATURAL RESOURCES

February 6, 2009


Brian P. Dunnigan, P.E., Director

A copy of this Order granting Permit TA-43 and Amendment I-15A was mailed on February 6, 2009, to the Department's field office in Bridgeport, Nebraska, and to the following:

Bruce Nienhueser
11943 Road 2
Sidney, Nebraska 69162

Rod L. Horn, Manager
South Platte Natural Resources District
551 Parkland Drive
P.O. Box 294
Sidney, Nebraska 69162-0294