

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

Application Approval

Water Division 1-C

This matter comes before the Department of Natural Resources (Department) pursuant to Neb. Rev. Stat. § 46-233(8) (Reissue 2004) which requires any person intending to appropriate any of the public waters of the State of Nebraska to make an application to the Department for a permit to make such an appropriation.

This is to certify that application A-18472 for a permit to divert water has been examined and meets the conditions for approval stated in Neb. Rev. Stat. § 46-235 (Reissue 2004). Following consultation with the Nebraska Game and Parks Commission as required by Neb. Rev. Stat. § 37-807 (Reissue 2004), the Department finds the project will not jeopardize threatened or endangered species or their habitat. Application A-18472 is hereby APPROVED subject to the following limitations, conditions and notice:

1. The source of water is Rose Creek.
2. The water shall be used for hydrostatic testing purposes.
3. The priority date is February 28, 2007.
4. The return flows shall be into the same source listed above.
5. The amount of water shall be limited to a rate of 6.6 cubic foot per second and a total diversion of 200 acre-feet.
6. The diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 1 North, Range 2 East of the 6th P.M. in Jefferson County, generally located on property described in easement recorded in book 23 on page 280 in Jefferson County. The location of diversion is generally depicted on drawing number REX-110-079-JE-NE supplied by the applicant.
7. The installation of a measuring device may be required.
8. Use of water under A-18472 may be denied in order of priority when water supplies do not meet the demands of downstream appropriators.

9. This authorization EXPIRES one year past the signing date of this Application Approval, and application A-18472 is hereby DISMISSED without further action by the Department as of that date.

DEPARTMENT OF NATURAL RESOURCES

June 19, 2007

Ann Bleed, Director

A copy of application number A-18472 and a copy of this Application Approval were mailed on June _____, 2007, to Rockies Express Pipeline, LLC, 500 Dallas Street, Suite 1000, Houston, Texas 77002; and to Dustin Krajewski, c/o ENSR, 1601 Prospect Parkway, Fort Collins, Colorado 80525. A copy of this Application Approval was provided to the Department's field office, Lincoln, Nebraska.