

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19137

WATER DIVISION 2-F

BACKGROUND

1. On August 30, 2013, Northern Natural Gas Company filed in the Department of Natural Resources (Department) application A-19137 for a temporary permit to appropriate water.
2. On September 8, 2013, Northern Natural Gas Company filed in the Department an easement for access to the proposed point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 4, Township 27 North, Range 9 East of the 6<sup>th</sup> P.M. in Dakota County, from the current landowner: Iowa Department of Natural Resources, Omadi Bend Wildlife Management Area.

ORDER

IT IS HEREBY ORDERED that application A-19137 is APPROVED subject to the following limitations and conditions:

1. The source of water is the Missouri River.
2. The water shall be used for the purpose of hydrostatic testing for pipeline construction.
3. The priority date is August 30, 2013.
4. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 4, Township 27 North, Range 9 East of the 6<sup>th</sup> P.M. in Dakota County.
5. The rate that water may be diverted under appropriation A-19137 shall not exceed 0.22 cubic foot per second (100 gallons per minute).
6. This appropriation EXPIRES one year from the date of this Order and appropriation A-19137 shall be CANCELLED without further action by the Department as of that date.
7. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
  - A. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
  - B. Comply with all relevant notices and orders of the Department.

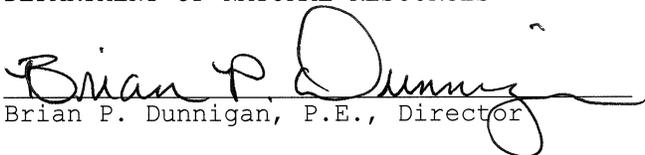
ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If in the future you are not able to divert sufficient amounts of water, and if there are junior appropriations upstream, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

October 22, 2013

  
Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4<sup>th</sup> Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website and provided to the Department's field office in Norfolk, Nebraska. A copy of this approval was mailed on October 22, 2013, to the following:

Northern Natural Gas Company  
Attn: Ricardo Espinosa  
1111 South 103<sup>rd</sup> Street  
Omaha, Nebraska 68124

Iowa Department of Natural Resources  
Omadi Bend Wildlife Management Area  
Attn: Doug Chafa  
2914 Park Loop Road  
Onawa, Iowa 51040