

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PETITION MIP-2171 TO AMEND

STORAGE CONDITIONS OF APPROPRIATION A-2374

WATER DIVISION 1-A

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-2374 is held by The Central Nebraska Public Power and Irrigation District.
2. Appropriation A-2374 has a priority date of April 27, 1934, and authorizes the appropriator to impound water from the North Platte River in Kingsley Reservoir (Lake McConaughy) for the purposes of irrigation, power, and instream flows for fish and wildlife.
3. On September 11, 2011, Don Kraus, P.E., General Manager on behalf of The Central Nebraska Public Power and Irrigation District (Petitioner), filed in the Department petition MIP-2171 (Petition) for a Permit to Amend Storage Conditions of appropriation A-2374. Petitioner requests that the conditions of appropriation A-2374 be amended to include the purposes of providing water for fish and wildlife and integrated management.
4. Notice of the Petition was issued. No objections were filed in the Department.
5. The impoundment of water for the purposes of providing water for fish and wildlife and integrated management is beneficial.
6. Under the broad authorities provided to the Department by *Nebraska Revised Statutes* §§ 46-204 and 61-206 this petition may be granted.

ORDER

IT IS HEREBY ORDERED:

1. Petition MIP-2171 is GRANTED.
2. The appropriator must comply with all relevant statutes. The statutes include, but are not limited to, the following:
 - A. Notify the Department of any change in ownership or address.
 - B. Notify the Department of the name and address of the person responsible for the use of the water appropriation.

- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

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.

DEPARTMENT OF NATURAL RESOURCES

November 4, 2011


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, 4th 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 Bridgeport, Nebraska. A copy of this approval was mailed on November 4, 2011, to the following:

Central Nebraska Public Power
and Irrigation District
Michael A. Drain, P.E.
Natural Resources Manager
P.O. Box 740
Holdrege, NE 68949-0740

Central Nebraska Public Power
and Irrigation District
Don Kraus, P.E.
General Manager
P.O. Box 740
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