

STEVE WINDRUM, P.C.

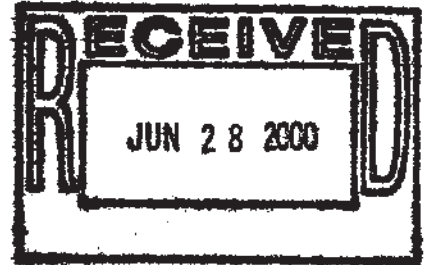
ATTORNEY AT LAW
P.O. Box 327 415 9th Street
Gothenburg, Nebraska 69138-0327
(308) 537-2321

Steve Windrum

Office Hours
8:30-12:00, 1:00-5:00
Mon.-Tues.-Thurs.-Fri.
8:30-12:00 Wed.

June 26, 2000

Mr. Frank Vetter
Central Nebraska Public Power and Irrigation District
P.O. Box 740
Holdrege, NE 68949-0740



RE: Federal Energy Regulatory Commission License
Land and Shoreline Management Plan

Dear Mr. Vetter:

I wrote you on January 10th regarding the captioned matter on behalf of Jeffrey Lake Development, Inc. , who has employed me on the subject. I write herein on the same subject. This letter comes about by reason of your concluding your three public meetings the week of June 12th and invitation at those meetings for any written comments to be made in care of yourself.

I requested on January 10th that your Shoreline Management Plan incorporate in it terms and provisions whereby the North end of Jeffrey Lake would be dredged to a sufficient depth to allow typical boat travel in that area, at the expense of Central. I make that claim and request once again in this letter. For your ready reference I enclose copy of my January 10th letter.

As indicated in the January 10th letter we will continue to follow the matter closely as it makes its way through the regulatory and administrative process.

Cordially yours,

Steve Windrum

SW/kp

enc.

pc: Mr. Dail Vetter.

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Steve Windrum

January 10, 2000

Mr. Frank C. Vetter
c/o Central Nebraska Public Power & Irrigation District
415 Lincoln
Holdrege, NE 68949

RE: Federal Energy Regulatory Commission license
Land and shoreline management plan

Dear Mr. Vetter:

I write herein on behalf of Jeffrey Lake Development, Incorporated, who has employed me to follow up on the captioned matter from the standpoint of the interests of this entity, together with the sublessees at Jeffrey. I have received your letter dated December 20, 1999, wherein it is provided by way of notice contained in that document for "meetings" to be held on January 13th, 17th, and 18th, at three different locations, respecting the shoreline management plan.

Jeffrey Lake Development, Incorporated, makes formal request and claim that part and parcel of said plan is the incorporation of terms and provisions whereby the north end of Jeffrey Lake would be dredged to a sufficient depth to allow typical boat travel in that area, at the expense of Central.

We will follow the matter closely as it makes its way through the regulatory and administrative process.

Cordially yours,

Steve Windrum
SW/lh
pc: Mr. Bob Mann

June 23, 2000

Frank Vetter
CNPPID
P. O. Box 740
Holdrege, NE 68949-0740

Ref. Proposed CNPPID Land & Shoreline Management Plan.

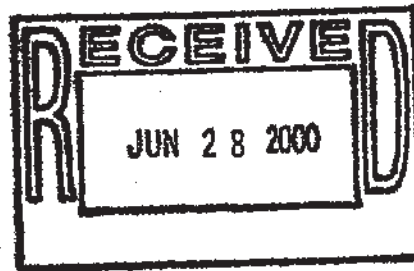
I was unable to attend the public meeting recently held in Ogallala, NE. Therefore, I would appreciate your consideration of the attached written comments.

Thank you,



Martin E. Petersen
68 Lakeshore
Lewellen, NE 69147

cc to: John J. DeTuerk, Jr.
CNPPID Director



**CNPPID LAND & SHORLINE MANAGEMENT PLAN
WRITTEN COMMENTS BY**

Martin E. Petersen

68 Lakeshore

Lewellen, NE 69147

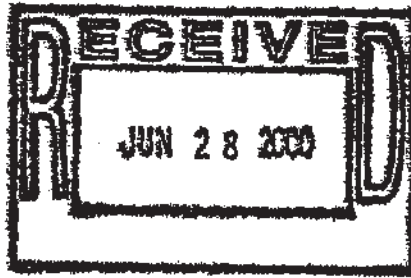
SECTION 5C paragraph 1. Numerous attempts to control or mitigate erosion of banks along property owned by landowners along the Lake McConaughy shoreline have been attempted in the last fifty plus years. These efforts have been accomplished without formal approval of CNPPID but have become the common practice. While these efforts may be considered "illegal" in the strict interpretation, they have benefited CNPPID at no cost to the District. The term "legal structures" is left wide open to interpretation. For instance – is a structure permitted by the Army Corps of Engineers and verbally approved by the District considered legal? The last sentence of the paragraph amplifying the **POLICY** refers to such items as gas tanks, water lines and pumps that do not meet local, state or federal laws or have not been permitted to be removed at the Districts notice. It does not seem appropriate to require removal of existing structures if they do not present a safety hazard, adversely impact the project operation or adversely impact the environment. In view of the past activities and the grand fathering of structures allowed of CNPPID leased property, suggest the **POLICY** be modified to read as follows:
Deleted word in no bold type and added language is underlined.

"POLICY: Central will permit all legal structures and facilities put in place before Plan implementation to remain in place, if they are not a safety hazard, adversely impact the environment or adversely impact the project operation, until such time as the structure or facility becomes unsafe, needs replacement or requires major repairs (more than 50% of the value of the structure of facility).

SECTION 5C paragraph 14. The amplifying paragraph to the "Policy" seems to indicate that Central will take all actions necessary to obtain ownership of lands that are subject to erosion which would place Central liable for erosion damages. I assume this includes condemnation! In the case of the landowners in the Lakeside properties, most of the residents have been trying to prevent the erosion that would threaten buildings. In my case it is to protect my full time residence. Would it not be better to work with the land owners to prevent erosion?

SECTION 5D paragraph 2 page 70: The second sub-paragraph speaks of water access "granted in the past" as being "grand fathered". To my knowledge there was never a formal process for landowners along the shoreline to require a grant for water access. Suggest wording of the last sentence of this paragraph be modified as follows:

"Cabin lot lessees'as well as those adjacent to property owners, which were in existence at the time of plan implementation, to crossare planned."



June 26, 2000

Frank Vetter
CNPPID
P. O. Box 740
Holdrege, NE 68949-0740

Thank you for your letter dated May 12, 2000. I have not been able to obtain either commitment or comment from my neighbors. Considering this permit is for work along privately owned property rather than leased District property, request the permit be separated into the three individual property owners. I can no longer be the contact person for these new actions.

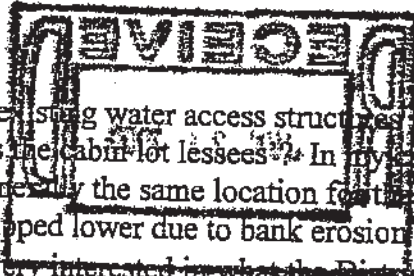
For my part, I still am having a problem with the requirement for a new permit. Your letter indicated that the District normally gave verbal approval and I had received verbal approval from your office. It is interesting to note that the FERC required policy is in the approval process with final public/agency comment just completed. Putting this issue aside, would you please clarify the following items?

1. Under FEES para. (b). I believe this provision places this "permit" more in the form of a "lease or license". In any event, the wording represents a blank check. It seems reasonable that if an annual fee is to be assessed the amount and terms should be spelled out so both parties know what is expected.
2. Para. 11. This paragraph leaves no alternative but to remove the improvements on permit termination. I understand that there are some types of structures that this would requirement would be appropriate. However, recognizing there are types of structures such as bank stabilization, which actually improves and protects the property, which the District would not require removal. Would it not be better to include a provision that states the District may require removal?
3. Para. 14. What happens if I sell my home? Again it leaves no leeway. The term "absolutely void" puts us back to para. 11 if the District opts to terminate the permit. If the District does not terminate the permit, do I need to notify the District of termination as outlined under para. 13? Again, that impacts on need to remove structure(s) prior to termination.

During our last discussion you indicated that there are items in the permit that do not apply to work along private property but the permit is intended to be a standard document to cover all situations. After ten years on the Board of Directors for Wheat Belt PPD I have found that it is nearly impossible to one document cover all situations. Maybe you can accomplish this in your efforts.

I would also like to take this opportunity to discuss the following provisions of the REVIEW DRAFT OF CNPPID Land & Shoreline Management Plan (as presented on your WEB page):

- Step 9, page 17. I hate to sound like a broken record or a nit picker but, as you know, I am perturbed that after I followed the Districts directions I am being asked to do yet another process.
- Section 5C1. If individuals holding long-term leases are allowed to leave structures without a new permit will this also apply to adjacent private property owners?



- Section 5D2 para. 2. Are existing water access structures from private homes given the same grandfather clause as the cabin lot lessees? In my case there is a concrete step way, which has been in generally the same location for the past 20 plus years – I say generally because it has slipped lower due to bank erosion over the past several years.
- Section 5D3. I would be very interested in what the Districts intention is regarding sale or granting of a right of occupancy of use. In my case the narrow piece of land between my property and the beach is a steep bank and does not provide space for public use. Also, should the District raise the water level to flood this property the water would continue into my home – that is if the water did not go over the dam first.

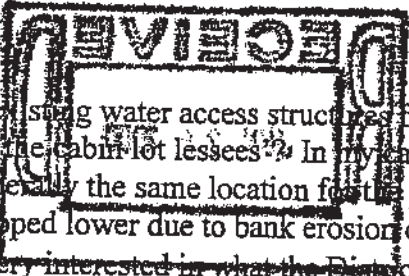
All in all, the plan is good. It provides a definitive direction for working with residents around the lake.

Thank you for your consideration. I look forward to your response. If necessary, I would welcome discussion these issues with you directly. Hopefully that could take place at my home so that we can both view the structures.

Sincerely,

Martin E. Petersen
68 Lakeshore
Lewellen, NE 69147

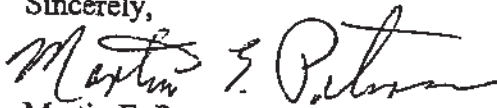
Cc to: John J DeTuerk, Jr.
CNPPID Director
Carroll Alsbury, Inc.
Edna Fisher

- 
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