

1	STATE OF NEBRASKA
2	NEBRASKA POWER REVIEW BOARD
3	
4	IN THE MATTER OF THE)
5	CENTRAL NEBRASKA PUBLIC) CHARTER AMENDMENT 6
6	POWER AND IRRIGATION)
7	DISTRICT'S PETITION TO)
8	AMEND ITS CHARTER) TRANSCRIPT OF
9) HEARING
10	IN THE MATTER OF THE)
11	DAWSON PUBLIC POWER) DAY 1-TESTIMONY
12	DISTRICT'S PETITION FOR)
13)
14	DISSOLUTION)
15	
16	
17	Proceedings had before TIMOTHY J. TEXEL,
18	HEARING OFFICER, 1st Floor Hearing Room, 301
19	Centennial Mall South, Lincoln, Nebraska, on
20	February 15, 2023.
21	
22	BOARD MEMBERS:
23	Mr. Frank J. Reida - Chair (Via WebEx)
24	Mr. Chuck Hutchison - Vice Chair
25	Mr. Greg Moen
	Ms. Bridget Peck (Via WebEx)
	Ms. Kristen Gottschalk

1	APPEARING FOR CENTRAL NEBRASKA PUBLIC POWER AND
2	IRRIGATION DISTRICT AND DAWSON PUBLIC POWER
	DISTRICT:
3	Mr. David A. Jarecke
4	Ms. Ellen C. Kreifels
5	BLANKENAU WILMOTH JARECKE, LLP
6	1023 Lincoln Mall
7	Suite 201
8	Lincoln, NE 68508
9	dave@nebenergyllaw.com
10	ellen@nebenergyllaw.com
11	402.475.7080
12	APPEARING FOR CENTRAL NEBRASKA PUBLIC POWER AND
13	IRRIGATION DISTRICT:
14	Mr. Kurth A. Brashear
15	REMBOLT LUDTKE, LLP
16	3 Landmark Centre
17	1128 Lincoln Mall
18	Suite 300
19	Lincoln, NE 68508
20	kbrashear@rembolttlawfirm.com
21	402.475.5100
22	APPEARING FOR PROTESTANTS:
23	Mr. Michael S. Degan
24	KUTAK ROCK, LLP
25	The Omaha Building
	1650 Farnam Street
	Omaha, NE 68102
	michael.degan@kutakrock.com
	402.346.6000

1	I-N-D-E-X			
2	STIPULATIONS			Page
3	Combined Board Bound by POC.....			36
3	Calling of Protestants' Witnesses...			38
4	Reciprocal Stip, RE: Exhibits.....			42
4	Use of PPA Excerpt.....			43
5	Hieden Expected Testiomony.....			1142
5	Waller Expected Testimony.....			1142
6				
7	OPENING STATEMENTS			Page
7	Mr. Brashear.....			46
8	Mr. Degan.....			61
8				
9	CNPPID			
9	WITNESSES	Direct	Cross	Redirect
10	D. Rowe	79	132	184
10	S. Dicke	197	230	257
11	D. Brundage	260	456	554
11				
12	CNPPID/DAWSON			
12	WITNESSES			
13	G. Kautz	559	610	653
13	D. Muhlbach	663	677	707
14	T.P. Schenken	714	756	762
14				
15	PROTESTANTS			
15	WITNESSES			
16	D. Wendell	770	857	906
16	G. Robison	921	957	977
17	B. Jundeen	988	--	--
17	J. Yahn	1006	1050	--
18	D. Nelson	1054	1069	--
18	T. Schwarz	1073	1090	1111
19				
20	CNPPID/DAWSON			
20	REBUTTAL			
21	D. Batie	1123	1139	--
21				
22				
23				
24				
25				

		Marked	Offered	Ruled On
1	EXHIBITS			
2	Exhibit 19. Birkett Memo	8	26	26
3	Exhibit 20. Third Prehearing Conference Order	8	22	22
4	Exhibit 21. Public Presentation at Joint Meeting 2/3/22	8	39	41
5	Exhibit 22. PSE Phase 2 Report	8	416	417
6	Exhibit 23. Sonju CV	8	39	41
7	Exhibit 24. Subdivision Alternatives considered	8	39	41
8	Exhibit 25. Public Presentation by GMS and Counsel, Kearney 8/31/22	8	39	41
9	Exhibit 26. Public Presentation by Brundage 9/6/22	8	39	41
10	Exhibit 27. Hammel Article, 10/24/22	8	39	41
11	Exhibit 28. Public Presentation by GMS, Elwood 10/24/22	8	39	41
12	Exhibit 29. Lexington Clipper-Herald Article 1/4/23	8	39	41
13	Exhibit 30. Kearney Hub Article 1/9/23	8	39	41
14	Exhibit 31. 2019-E65 Water Service Agreement	8	39	41
15	Exhibit 32. 2019-E67 Water Service Agreement	8	39	41
16	Exhibit 33. 2019-Supply Canal Water Service Agreement	8	39	41
17	Exhibit 34. 2019-Phelps Water Service Agreement	8	39	41
18				
19				
20				
21				
22				
23				
24				
25				

		Marked	Offered	Ruled On
1	EXHIBITS			
2	Exhibit 35. 12 Values of Merger	8	39	41
3	Exhibit 36. Revenue Sources			
4	Chart	8	39	41
5	Exhibit 37. Groundwater Level			
6	Changes Map	8	39	41
7	Exhibit 38. Dawson's Debt			
8	Assumption Plan	8	39	41
9	Exhibit 39. Letter from Schenken			
10	to Power Review 12/13/22	8	764	765
11	Exhibit 40. Dawson Form 7			
12	2022 (Unaudited)	8	39	41
13	Exhibit 41. Combined Entity			
14	Territory Map 7/1/23	8	39	41
15	Exhibit 42. Advisory Opinion 205	8	39	41
16	Exhibit 43. Subdivision Map with			
17	Director Residences as of 7/1/23	8	39	41
18	Exhibit 44. Plan of Consolidation	8	39	41
19	Exhibit 45. Joint Phase I			
20	Presentation 3/31/21	8	39	41
21	Exhibit 46. 2007 Fax Letter			
22	from Central Water Users	1097	1097	1098
23	Exhibit 47. Central Letter to			
24	Irrigators	528	533	533
25	Exhibit 48. Dahlgren 2/16/22			
26	Comments to Board	610	610	610
27	Exhibit 49. Dahlgren 12/29/21			
28	Comments to Board	610	610	610
29	Exhibit 50. Survey Comments	610	610	610
30	Exhibit 51. Water Users Group			
31	Letter	610	610	610

		Marked	Offered	Ruled On
1	EXHIBITS			
2	Exhibit 52. Gosper Farm Bureau Letter	610	610	610
3				
4	Exhibit 53. Heiden 3/31/22 Email	610	610	610
5				
6	Exhibit 54. McCormick 3/11/22 Email	610	610	610
7				
8	Exhibit 55. Hydro PPA 11/3/11	610	610	610
9				
10	Exhibit 56. Revised Ex. B to Wendell Report	610	610	610
11				
12	Exhibit 57. Central Board Meeting Minutes 12/27/22	610	610	610
13				
14	Exhibit 58. Tri-Basin Resolution 2/8/23	610	610	610
15				
16	Exhibit 59. NTV News 2/9/23	610	610	610
17				
18	Exhibit 60. Water Users Group Letter	610	610	610
19				
20	Exhibit 61. Accountability and Disclosure Commission Advisory Opinion 205	610	610	610
21				
22	Exhibit 62. Wendell Report	610	919	920
23				
24	Exhibit 63. Wendell Resume	610	610	610
25				
26	Exhibit 64. Yahn Resume	610	610	610
27				
28	Exhibit 65. (W/D)		610	610
29				
30	Exhibit 66. (W/D)		610	610
31				
32	Exhibit 67. Central's Answers to 1st Set of Interrogatories	610	610	610
33				
34	Exhibit 68. Central's Answers to 2nd Set of Interrogatories	610	610	610
35				
36	Exhibit 69. CNPPID Brief History	610	610	610

		Marked	Offered	Ruled On
1	EXHIBITS			
2	Exhibit 70. 12 Values of			
3	Merger	610	610	610
4	Exhibit 71. Dep-Roger Olson	1122	1143	1143
5	Exhibit 72. Dep-Robert			
6	Dahlgren	1122	1143	1143
7	Exhibit 73. Flash Drive-2/8/23			
8	Tri-Basin Meeting Audio	1153	1144	1145
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

<p style="text-align: right;">Page 8</p> <p>1 (At 9:07 a.m., the following proceedings 2 were had:) 3 (Exhibits 19 through 45 marked 4 for identification.) 5 HEARING OFFICER TEXEL: All 6 right. This hearing is hereby reconvened at 7 9:07 a.m. on Friday, February 15th, 2023. 8 We are, again, in the first floor hearing 9 room, Nebraska State Office Building, 301 10 Centennial Mall South, Lincoln, Nebraska. 11 The hearing will address whether the 12 Nebraska Power Review Board will approve the 13 Central Nebraska Public Power and Irrigation 14 District's Petition for Charter Amendment 6. 15 My name is Timothy Texel. And I'm the 16 hearing officer in this matter. 17 The hearing was previously convened for 18 purposes of determining whether Protestants had 19 standing to bring a protest opposing the 20 approval of the petition. 21 The board found that the Heidens, the 22 Wallers and the Citizens group had standing, 23 which means that they have the right to 24 participate in this proceeding. 25 I would note that we have to speak one at</p>	<p style="text-align: right;">Page 9</p> <p>1 a time. The court reporter can't put down what 2 everybody is saying if we talk over each other. 3 It happens once in a while. But try to keep 4 that in mind that if two people are talking, 5 one of them has to stop or both so we can get 6 everything said. 7 So I am going to go through a few 8 preliminaries before we get to the parties' 9 attorneys. But to remind everyone for purposes 10 of this hearing, the Nebraska Power Review 11 Board, I and, I assume, the parties will refer 12 to it as the Board or the PRB. 13 And Central Nebraska Public Power and 14 Irrigation District will be referred to as 15 Central or Petitioner. 16 And Dawson Public Power District will be 17 referred to as Dawson. 18 Citizens Opposed to the Merger, Greg and 19 Linda Heiden and Richard and Susan Waller, will 20 be referred to collectively as Citizens or 21 Protestants. 22 And the Citizens Opposed to the Merger, 23 the nonprofit corporation, will be referred to 24 as the Citizens group, at least by me. 25 So I will use those shortened versions so</p>
<p style="text-align: right;">Page 10</p> <p>1 you know the -- for the record what I'm 2 referring to. 3 Central's petition, I believe everybody 4 here knows, would merge Dawson Public Power 5 District into Central. 6 Dawson separately filed a petition for 7 dissolution, conditioned on the PRB's approval 8 of Central's Petition for Charter Amendment 6. 9 As part of the proposed dissolution, the 10 board must conduct an investigation into the 11 reasons for the dissolution of a district. And 12 the board consolidated its investigation with 13 Central's proceeding that we're here today for 14 due to the integral nature of the two 15 proceedings. And although Dawson is a 16 necessary part of the merger, it is not 17 technically a part to the proceeding regarding 18 Central's Petition for Charter Amendment 6. 19 So that's, I know, getting a bit 20 technical, but I wanted to put that into the 21 record. 22 All the exhibits introduced at the last 23 portion of the hearing where we dealt 24 withstanding are part of the ongoing record for 25 purposes of this merit. So we might refer to</p>	<p style="text-align: right;">Page 11</p> <p>1 them. They'll be part of the record for the 2 merits also. And those will not have to be 3 reintroduced. We do have some additional 4 documents to put into the record. 5 I think at this point, Mr. Degan, you 6 indicated you had an objection you wanted to 7 raise. I think this is probably a good point 8 to do that. 9 MR. DEGAN: Yes. Thank you, 10 Tim. 11 On behalf of the Protestants, we would 12 request Commissioner Gottschalk to recuse 13 herself from these proceedings. 14 And that's based on two issues, the first 15 being that because she was not a seated member 16 of the board, nor participated in the earlier 17 session of this hearing, her knowledge of this 18 will necessarily be truncated because she did 19 not have the opportunity to hear the arguments 20 that -- that were made on the prior day of the 21 hearing. 22 I will concede that they are distinct 23 issues. But, nevertheless, since it is one 24 hearing, we have concern with somebody coming 25 in essentially part way through the process and</p>

<p style="text-align: right;">Page 12</p> <p>1 then deliberating or voting on the ultimate 2 merits issue. 3 Secondly, we have concerns that there's a 4 potential bias here in light of Commissioner 5 Gottschalk's prior affiliation with the 6 Nebraska Rural Electric Association and the 7 advocacy that she did on behalf of that -- that 8 organization, which includes Dawson as a 9 member, may color her version -- or her 10 decision in this matter. 11 So for those two reasons, we would 12 respectfully request Commissioner Gottschalk to 13 recuse herself. 14 HEARING OFFICER TEXEL: I would 15 just note that board member -- you can refer to 16 as commissioner, but technically we're a board, 17 not a commission -- but that Ms. Gottschalk was 18 present at the hearing on standing. 19 She didn't sit as a board member. She 20 wasn't a board member yet. But she had been 21 appointed by the governor. She hadn't been 22 confirmed by the legislature yet. So she knew 23 or suspected she, you know -- at least hoped 24 she would be approved by the legislature, so 25 she was present. So she was -- she did hear</p>	<p style="text-align: right;">Page 13</p> <p>1 the evidence at the standing portion of the 2 arguments. 3 I believe that is correct; right? 4 BOARD MEMBER GOTTSCHALK: That's 5 correct. 6 HEARING OFFICER TEXEL: So I 7 just would point out that, that she actually 8 did. 9 I also would point out, we in the past 10 have allowed board members that couldn't be at 11 a portion of a hearing to either read the 12 transcript or, if we have a WebEx, they go back 13 and watch the WebEx recording of the 14 proceedings or that portion of the proceedings. 15 We may have to do that with members here 16 because we have another member appointed by the 17 governor that will probably be -- well, that 18 nomination will come up for legislature, 19 anyway, prior to the final decision on this. 20 So depending what happens with the 21 nomination at the legislature -- I won't make 22 any assumptions -- but that member would 23 replace Chairman Reida on our board and be a 24 necessary part of the board. 25 So I would just point out those factors</p>
<p style="text-align: right;">Page 14</p> <p>1 for the recusal. 2 The recusal itself is up to the board 3 member. So I won't, you know, make any call on 4 that. But I wanted to point out those -- those 5 points. 6 And I guess I would also point out that I 7 believe Ms. Gottschalk hasn't been with the 8 NREA for two years? 9 BOARD MEMBER GOTTSCHALK: Two 10 years. 11 HEARING OFFICER TEXEL: So there 12 is some separation. 13 I'd also point out that the Nebraska 14 Supreme Court has said that board members have 15 a presumption of -- I'm trying to think of the 16 exact word but that they are not biased, that 17 they will fairly carry out their duties without 18 any bias and keep an open mind unless there is 19 reason to show otherwise. 20 And with that, I'll turn it over to 21 Ms. Gottschalk to analyze it or make her 22 decision. 23 BOARD MEMBER GOTTSCHALK: I 24 guess Tim covered a lot of points that I would 25 cover myself in that I did attend those</p>	<p style="text-align: right;">Page 15</p> <p>1 meetings in anticipation that this hearing was 2 going to be moving forward and I would be 3 seated during the decisionmaking process. So 4 it was important for me to hear both sides of 5 the issue. 6 And with my separation from NREA being two 7 years, more, one of the things that I did for 8 them, I was their government relations 9 director. I did their lobbying efforts. 10 I did not work for Central or for Dawson. 11 I advocated on behalf of a collective group. 12 Now, having said that, now that I no 13 longer work for the Rural Electric Association, 14 my opinions are my own, and my ability to 15 analyze the data that's presented before me, I 16 think I can do very well in an unbiased manner. 17 I feel very comfortable staying in my seat. 18 MR. DEGAN: Okay. Thank you. 19 HEARING OFFICER TEXEL: So your 20 decision is to -- 21 BOARD MEMBER GOTTSCHALK: Not 22 recuse myself. 23 HEARING OFFICER TEXEL: -- not 24 recuse yourself? 25 MR. JARECKE: Mr. Texel, if I</p>

<p style="text-align: right;">Page 16</p> <p>1 can add one comment to Director Gottschalk's 2 comments. 3 HEARING OFFICER TEXEL: Yes. 4 MR. JARECKE: I would -- I would 5 certainly parallel those comments. But I think 6 it's also been pointed out that Central was not 7 a member of the Nebraska Rural Electric 8 Association at any point during Kristen 9 Gottschalk's tenure nor presently. And the 10 pending application is up, of course, for 11 Central. 12 HEARING OFFICER TEXEL: Central 13 was an associate member of the NREA, weren't 14 they? Or were they a -- not a member at all? 15 BOARD MEMBER GOTTSCHALK: 16 My memory may not serve me correctly. 17 MR. JARECKE: Maybe an associate 18 member, which is -- but in terms of a voting 19 delegate, they were not. 20 HEARING OFFICER TEXEL: Right. 21 Okay. I just -- they're -- I wanted to clarify 22 if there was some relationship. I'm not sure 23 my recollection was they might be an associate 24 member, but they weren't a -- and I don't know 25 what an associate member has to do. But they</p>	<p style="text-align: right;">Page 17</p> <p>1 weren't a dues-paying, voting member, as you 2 said, of the NREA? 3 MR. JARECKE: That is correct. 4 HEARING OFFICER TEXEL: Okay. 5 So I guess I don't say it and you say it, your 6 decision is? 7 BOARD MEMBER GOTTSCHALK: I'm 8 going to stay and not recuse myself for the 9 issue. 10 HEARING OFFICER TEXEL: Okay. 11 Okay. Noted for the record. 12 MR. DEGAN: Noted. Thank you. 13 BOARD MEMBER REIDA: Tim, this 14 is Frank. 15 HEARING OFFICER TEXEL: Yes. 16 BOARD MEMBER REIDA: I have two 17 questions. First of all, if Kristen -- and 18 she's not recusing herself, if she is involved 19 with our deliberations and we're wrong, is that 20 reversible error? 21 HEARING OFFICER TEXEL: I'm not 22 sure exactly what the court would do because 23 there's other members. 24 I'm guessing that the party that's unhappy 25 with the decision could claim that she swayed</p>
<p style="text-align: right;">Page 18</p> <p>1 the vote one way or another. Otherwise, she is 2 one member and not a majority of the board. 3 And if -- you know, if it's a unanimous 4 decision, the court could find that it's 5 harmless error because there's many other votes 6 for it. 7 Probably the argument would have to be 8 that she was a leading factor that swayed the 9 other board members to her belief. 10 So I think that's the analysis the court 11 would use. There would need to be some kind of 12 evidence -- or indication of that. But I don't 13 think necessarily it's reversible error. But 14 the court could probably arrive to that, 15 depending on the argument. 16 BOARD MEMBER REIDA: My second 17 question is, in the event that my replacement 18 is named and goes through the natural resources 19 of the legislature and we have not yet reached 20 a decision, does that -- then my replacement 21 would then read the transcript and be the 22 person who would vote; is that correct? 23 HEARING OFFICER TEXEL: It would 24 be up to him. He's named. He's not gone 25 through the committee process yet, obviously</p>	<p style="text-align: right;">Page 19</p> <p>1 not through the full legislature for 2 confirmation yet. 3 So depending when in the process that 4 would be in relation to the decision on this, 5 it would be up to him if he wants to simply bow 6 out and not participate in the decision so it's 7 four board members. 8 Or he could either watch the WebEx of this 9 or read the transcript or both, depending on 10 what he would want to do. 11 BOARD MEMBER REIDA: Okay. But 12 clearly I would not have a vote; is that 13 correct? 14 HEARING OFFICER TEXEL: Not if 15 the legislature had confirmed your replacement 16 by that point. And I -- 17 BOARD MEMBER REIDA: Okay. 18 Thank you. 19 HEARING OFFICER TEXEL: -- don't 20 know. That's a timing issue we'd have to 21 address at that point. 22 MR. JARECKE: Mr. Texel, is 23 there an opportunity for the legislature to 24 allow Director Reida to complete this task? 25 Could that be a condition of the appointment?</p>

<p>1 HEARING OFFICER TEXEL: They -- 2 they either vote on -- up or down on the 3 nomination. So they don't -- they don't put 4 any conditions on it. I've never heard of the 5 legislature putting a condition on anything. 6 The only way we could do something like 7 that would be to ask them not -- to ask the 8 speaker or the committee not to place it on the 9 agenda to vote on until after this decision. 10 I don't know what the speaker's reaction 11 would be to that. We could ask if it's 12 necessary. But we've never asked them for 13 something like that. 14 The committee right now is thinking about 15 March 1st or 2nd for the committee portion of 16 the nomination process. I have no idea how 17 long after that the full legislature would put 18 on the agenda. That's up to the speaker. 19 Usually it goes on about a week or so 20 after the committee acts on it. And if the 21 committee does an executive session after their 22 nomination hearing, they could take a week or 23 two to decide. And then it would go to the 24 full legislature. And then the speaker 25 decides.</p>	<p>Page 20</p> <p>1 So there's a lot of factors that come into 2 play. But it's up to -- mostly up to the chair 3 of the natural resources committee and the 4 speaker how the timing works. 5 Is that clear? 6 MR. JARECKE: Yes. 7 HEARING OFFICER TEXEL: I don't 8 have any more information than that because 9 it's up to them. 10 MR. JARECKE: Yes. 11 HEARING OFFICER TEXEL: Okay. 12 All right. 13 So I'm going to go through a few more 14 preliminary things here if you will indulge me. 15 And after holding a third prehearing conference 16 in this proceeding, as the hearing officer, I 17 issued a prehearing order. Parties are well 18 aware of this. 19 Under the scope of the hearing section, 20 the order identified five core issues or 21 findings that the board will need to address in 22 this proceeding. 23 And I will -- after I'm done, I will offer 24 that third prehearing conference order into the 25 record. The parties have already indicated --</p>
<p>Page 22</p> <p>1 well, I guess at this point, why don't I just 2 offer this. 3 We have the third prehearing conference 4 order. I already told the parties I planned to 5 offer this. I know it would be part of the 6 record if there's an appeal. But I want to be 7 able to cite to this at the order because it 8 has exact language in it. 9 Neither party objected to that. So I do 10 have a certified copy of the third prehearing 11 conference order that I issued that set out 12 some stipulations and core issue findings. 13 It's been marked as Exhibit 20. 14 So without any objection -- and I think 15 both parties indicated there wasn't any -- I 16 will accept Exhibit 20 into the record. 17 (Exhibit 20 is made a part of 18 this record and may be found 19 separate.) 20 BOARD MEMBER HUTCHISON: Tim? 21 HEARING OFFICER TEXEL: Yes. 22 BOARD MEMBER HUTCHISON: Can you 23 summarize for us what those five issues are, or 24 is there another time where we can do that? 25 HEARING OFFICER TEXEL: I was</p>	<p>Page 23</p> <p>1 going to go through them now. 2 BOARD MEMBER HUTCHISON: All 3 right. 4 HEARING OFFICER TEXEL: I was 5 deciding whether or not to put it in before or 6 after the evidence. That's why I said if 7 you'll indulge me, I'm going to go through the 8 five core issues identified and then the 9 stipulations that are in the order. 10 BOARD MEMBER HUTCHISON: Okay. 11 HEARING OFFICER TEXEL: I know 12 they're in the order. The board will see them. 13 But I kind of wanted the board's mind set 14 because I'm not sure the board has seen them so 15 that the board members can hear these while 16 they're looking at the evidence. That's why 17 I'm going through them now -- 18 BOARD MEMBER HUTCHISON: Thank 19 you. 20 HEARING OFFICER TEXEL: -- even 21 though they're in the order. 22 So first of the core findings is whether 23 approval of Central's Petition for Charter 24 Amendment 6 would be contrary to the best 25 interests of the district pursuant to Neb. Rev.</p>

<p style="text-align: right;">Page 24</p> <p>1 Stat. Section 70-664. 2 Second, whether approval of Central's 3 Petition for Charter Amendment 6 would 4 jeopardize and impair the rights of creditors 5 of the district or of other persons under Neb. 6 Rev. Stat. Section 70-664. 7 Third, in order to approve the petition, 8 the board must find that either more than 50 9 percent of Central's customers are rural or 10 that Central engages in furnishing electric 11 light and power and is in the business of 12 owning and operating irrigation works pursuant 13 to Neb. Rev. Stat. Section 70-612(1)(b), 14 small b. 15 Four, whether the interests of rural users 16 of electricity or users of irrigation water 17 service will be prejudiced by approval of 18 petition -- I did not put the citation down for 19 that -- and what effect, if any, does the 20 exclusion of the statement that the district 21 lacks the power to issue general obligation 22 bonds have on the -- on the board's decision 23 regarding approving or denying the petition 24 pursuant to Section 70-605(5). 25 So that's the core findings.</p>	<p style="text-align: right;">Page 25</p> <p>1 There are other findings. Those aren't an 2 exhaustive list. There's other issues brought 3 up by the Protestants the board will have to 4 find, but those are findings that, regardless 5 of whether there's objections or even if 6 there's opposing parties, the board has to find 7 in a matter like this. 8 And the parties already agreed with those 9 core issues that are in the order. 10 And then the stipulations section of the 11 third prehearing conference order, it sets out 12 six additional stipulations. 13 First, the parties stipulated to the 14 admissibility and contents of a memo dated 15 January 12th, 2023, written by Sara Birkett, 16 the board's staff paralegal, addressed to 17 myself, Tim Texel, in my capacity as the 18 board's executive director and general counsel. 19 The memo detailed her research findings 20 regarding the background facts concerning Neb. 21 Rev. Stat. Section 70-604(5). 22 That statute requires public power 23 districts and public power and irrigation 24 districts to include a statement in their 25 charter that they do not have the power to</p>
<p style="text-align: right;">Page 26</p> <p>1 issue general obligation bonds. 2 The memo explains that the statute was 3 enacted in 1933 and that the original version 4 did not include the language regarding general 5 obligation bonds. 6 I believe the statute in 1933 only 7 addressed that they did not have the power to 8 tax. 9 That -- the new language dealing with 10 general obligation bonds was added to the 11 statute in 1937. 12 The memo also tells the executive director 13 the total number of districts' charters that 14 currently do not contain the required language 15 regarding general obligation bonds. 16 That's a recap summary of that memo. And 17 I would offer the memo, which has been marked 18 as Exhibit 19, into evidence. 19 And the parties already indicated to me 20 they do not object to that as to its 21 admissibility and contents. 22 MR. DEGAN: No objection. 23 HEARING OFFICER TEXEL: Okay. I 24 will accept Exhibit 19 into the record. 25 ///</p>	<p style="text-align: right;">Page 27</p> <p>1 (Exhibit 19 is made a part of 2 this record and may be found 3 separate.) 4 HEARING OFFICER TEXEL: The 5 parties are free to use that memo to argue as 6 they will on the repercussions of that. But 7 that sets out the foundation of facts. 8 Second stipulation, the parties stipulated 9 that since Central's Petition for Charter 10 Amendment 6 would configure its subdivisions 11 following county and/or precinct boundaries, 12 the requirement to ensure that the district 13 subdivisions as proposed in its Petition for 14 Charter Amendment 6 contains substantially 15 equal -- equal population set out in Neb. Rev. 16 Stat. Sections 70-604(6) and 70-612(1)(a), do 17 not apply in this proceeding. 18 Instead, the provisions of Section 19 70-612(1)(b) are controlling. And that -- so 20 that stipulation is in the record, too. 21 Third, the parties stipulated pursuant to 22 the requirements of Section 70-612(1)(b) that 23 Central's charter territory, both currently and 24 as proposed, in the petition includes all or 25 part of two or more counties. That's a finding</p>

<p style="text-align: right;">Page 28</p> <p>1 the board has to make.</p> <p>2 The parties -- fourth, the parties</p> <p>3 stipulated pursuant to Section 70-612, again,</p> <p>4 (1)(b), that more than 50 percent of Central's</p> <p>5 customers, both currently and as proposed, are</p> <p>6 rural customers.</p> <p>7 Fifth, the parties stipulated pursuant to</p> <p>8 Section 70 -- and this is the same statute,</p> <p>9 70-612(1)(b) that Central, both currently and</p> <p>10 as proposed in the petition, is in the business</p> <p>11 of owning and operating irrigation works.</p> <p>12 Sixth, the parties stipulated that</p> <p>13 assuming there was no Open Meetings Act</p> <p>14 violation involved, that the motion to file the</p> <p>15 Petition for Charter Amendment 6 with the Power</p> <p>16 Review Board was authorized by an affirmative</p> <p>17 vote of three-fifths or more of all the</p> <p>18 directors of the district as required by</p> <p>19 Section 70-662.</p> <p>20 This stipulation in no way concedes any of</p> <p>21 the parties' positions on the validity of the</p> <p>22 underlying vote or whether there was a</p> <p>23 violation of the Open Meetings Act.</p> <p>24 It is the board's understanding that the</p> <p>25 Open Meetings Act issues will be addressed by a</p>	<p style="text-align: right;">Page 29</p> <p>1 lawsuit filed in the Phelps County District</p> <p>2 Court. And those issues are not before our</p> <p>3 board. That's for the court to decide.</p> <p>4 So those are the stipulations that I</p> <p>5 wanted to go through.</p> <p>6 I would note for the record that Board</p> <p>7 Members Vice Chair Hutchison and Mr. Moen and</p> <p>8 Ms. Gottschalk are here in person in the</p> <p>9 hearing room.</p> <p>10 Board Members and -- Chairman Reida and</p> <p>11 Board Member Bridget Peck are participating via</p> <p>12 WebEx videoconference today.</p> <p>13 And the parties were informed of that</p> <p>14 prior to today and did not object to this</p> <p>15 procedure.</p> <p>16 I also wanted to let the parties know that</p> <p>17 Board Member Peck will need to step away from</p> <p>18 the hearing for a short time this morning, we</p> <p>19 believe less than an hour. Her employer</p> <p>20 somewhat unexpectedly required her to attend a</p> <p>21 work meeting today. And we will announce when</p> <p>22 she leaves and when she returns.</p> <p>23 But she will either watch the WebEx</p> <p>24 recording of the proceeding when she's absent</p> <p>25 or read the official transcript or both before</p>
<p style="text-align: right;">Page 30</p> <p>1 participating in the decision in this matter.</p> <p>2 So she will get caught up to speed with</p> <p>3 anything she would miss during that time period</p> <p>4 she steps away.</p> <p>5 BOARD MEMBER REIDA: Tim, this</p> <p>6 is Frank.</p> <p>7 Say, can you, by any chance, take that</p> <p>8 preconference order and make a copy of it and</p> <p>9 email it to me?</p> <p>10 HEARING OFFICER TEXEL: I can.</p> <p>11 I have it on my computer. I just have to go</p> <p>12 down to my office and send it to you.</p> <p>13 MS. BIRKETT: I can do it.</p> <p>14 BOARD MEMBER REIDA: If you can</p> <p>15 have Rebecca do it or something.</p> <p>16 HEARING OFFICER TEXEL: You</p> <p>17 going to ask Rebecca through the chat to do</p> <p>18 that?</p> <p>19 MS. BIRKETT: It's the third</p> <p>20 prehearing conference order; correct?</p> <p>21 HEARING OFFICER TEXEL: Yes.</p> <p>22 MS. BIRKETT: It's done.</p> <p>23 HEARING OFFICER TEXEL: And</p> <p>24 there's --</p> <p>25 BOARD MEMBER REIDA: And then</p>	<p style="text-align: right;">Page 31</p> <p>1 just with regard to the -- whether or not they</p> <p>2 can issue GO bonds, with -- I think what you</p> <p>3 said was that they agreed that the memo exists</p> <p>4 but they can have witnesses present evidence as</p> <p>5 to what that means; is that correct?</p> <p>6 HEARING OFFICER TEXEL: They can</p> <p>7 argue as -- as to the relevance, significance,</p> <p>8 impact of that.</p> <p>9 But they stipulated to the admissibility</p> <p>10 and the contents of the memo, as far as the</p> <p>11 background facts.</p> <p>12 And then I'm sure the parties will make</p> <p>13 their arguments based on those facts.</p> <p>14 Does that answer your question, Chairman?</p> <p>15 BOARD MEMBER REIDA: Right. So</p> <p>16 they -- all they stipulated to was that the</p> <p>17 memo exists. They can call witnesses or</p> <p>18 whatever to provide their -- their position as</p> <p>19 to what that means; is that correct?</p> <p>20 HEARING OFFICER TEXEL: Yes. I</p> <p>21 don't know if they're calling any witnesses on</p> <p>22 that. But they can certainly make legal</p> <p>23 arguments on the significance of the language</p> <p>24 not being in the charter, whether it needs to</p> <p>25 be at this point or what -- what their</p>

Page 32

1 arguments will be. Yes, they could call
2 witnesses, certainly make legal arguments based
3 on what's in the memo.
4 BOARD MEMBER REIDA: Okay.
5 Thank you.
6 HEARING OFFICER TEXEL: And
7 there is a -- why don't we go off the record
8 for just a moment.
9 (An off-the-record discussion was held.)
10 HEARING OFFICER TEXEL: We'll go
11 back on the record.
12 All right. All right. That is the
13 preliminaries. So I know there were quite a
14 few to go through.
15 Anything else from the parties?
16 I think the -- before we go to opening
17 statements, the parties indicated you were
18 going to put in some exhibits at this point.
19 MR. JARECKE: Yes.
20 MR. DEGAN: And, also, Counsel,
21 do we have additional stipulations? You want
22 to get that at this stage or --
23 MR. JARECKE: Yes. Prior to
24 going to the exhibits -- thank you,
25 Mr. Degan -- there was an additional

Page 34

1 MR. JARECKE: Not a problem.
2 Maybe for the benefit of the audience and those
3 listening, I'm Dave Jarecke.
4 Seated next to me is Ellen Kreifels.
5 We're both from the Blankenau Wilmoth Jarecke
6 Law Firm. Our law firm is here representing
7 both the Central Nebraska Public Power and
8 Irrigation District and Dawson Public Power
9 District with respect to its petition to
10 dissolve.
11 Kurth Brashear is here of the Rembolt
12 Ludtke Law Firm representing solely Central
13 Nebraska Public Power and Irrigation District.
14 But thank you for that.
15 MR. DEGAN: Mike Degan on behalf
16 of Kutak Rock. I'm all by my lonesome here on
17 behalf of the Protestants.
18 HEARING OFFICER TEXEL: And I
19 would just announce next to Mr. Brashear is
20 Sara Birkett, our staff paralegal for the board
21 that is operating the WebEx.
22 And, also, I wanted to clarify, again,
23 if -- if members of the public are on --
24 watching by WebEx, since this is a formal
25 evidentiary hearing, it operates similar to a

Page 33

1 stipulation reached between the parties that I
2 will read that was part of our prehearing
3 conference.
4 HEARING OFFICER TEXEL: And I'm
5 going to interrupt you just a moment,
6 Mr. Jarecke. I apologize.
7 But I just thought I think the board
8 members remember -- it's been a little while,
9 the board members remember which counsel is
10 whose? Or do you want them to introduce
11 themselves again for today's hearing?
12 Okay. I wasn't sure because it's been a
13 couple of months. And I'm sorry to --
14 MR. JARECKE: Sure.
15 HEARING OFFICER TEXEL: -- break
16 in, but if the board members were unsure to
17 remember who represents whom, I wanted to
18 address that.
19 Ms. Peck or Chairman Reida, do you need
20 the attorneys to reintroduce themselves?
21 BOARD MEMBER REIDA: No. I'm
22 fine.
23 HEARING OFFICER TEXEL: Okay.
24 And I see Ms. Peck shaking her head no. So
25 we're good to go. I'm sorry, interruption.

Page 35

1 court. You cannot put anything in the chat
2 that we will read. It won't be read to the
3 board members or me. And you won't be unmuted.
4 The only participants today, like in a
5 court -- this is an administrative tribunal,
6 but like a court, you can't speak unless you're
7 an attorney, board member, hearing officer or a
8 witness.
9 So the members of the public, unlike a
10 public hearing, can't just say their peace.
11 This is a formal evidentiary hearing.
12 So I want to draw that distinction. If
13 somebody watching on WebEx is confused by that,
14 think of it like a courtroom, you can't just
15 raise your hand and speak in the middle of it
16 unless you're a party or have some relationship
17 to it. So wanted to avoid any confusion on
18 that.
19 So with that, I think we're ready for
20 exhibits.
21 MR. JARECKE: The -- actually,
22 we'll read the stipulation.
23 HEARING OFFICER TEXEL:
24 Stipulations, I'm sorry.
25 MR. JARECKE: And I -- again,

<p style="text-align: right;">Page 36</p> <p>1 this was agreed upon between counsel at the 2 pretrial hearing. 3 The parties stipulate that the two boards 4 of directors are bound today and intend to be 5 bound as a combined board upon Power Review 6 Board's approval but recognize that the Platte 7 River Public Power and Irrigation District 8 board has to take additional action to 9 implement and effect the terms of the Plan of 10 Consolidation. 11 HEARING OFFICER TEXEL: So when 12 you say that's -- that they're bound, they're 13 bound to follow what's in the -- or they intend 14 to be bound what's in the Plan of 15 Consolidation? Is that what that stipulation 16 references? 17 MR. JARECKE: I'll speak to my 18 interpretation, and Mr. Degan can clarify. 19 I believe the stipulation was that the 20 present boards, which are still independent 21 today, both the Central board and the Dawson 22 board, are presently bound by that Plan of 23 Consolidation and have the intention to 24 continue to be bound as they move forward, 25 assuming that there is, in fact, an approval by</p>	<p style="text-align: right;">Page 37</p> <p>1 this Power Review Board. 2 However, again, that newly consolidated 3 district, the Platte River Public Power and 4 Irrigation District, would have -- and we 5 recognize that it would have the authority to 6 modify that agreement if it so felt necessary. 7 MR. DEGAN: Well, I would just 8 clarify. It's more than modify. They would 9 have to -- once the new board is constituted, 10 they'll have to enact bylaws that would 11 incorporate those elements. So until that 12 happens -- 13 MR. JARECKE: I think that's an 14 accurate statement, yes. 15 HEARING OFFICER TEXEL: And I'm 16 sorry to -- but what I wanted to -- and I think 17 you answered my question. What I wanted to 18 clarify was if it was referencing the Plan of 19 Consolidation or broader than that. 20 And I think I have that answer. So thank 21 you. 22 MR. JARECKE: Okay. 23 HEARING OFFICER TEXEL: And was 24 there another stipulation? 25 MR. JARECKE: The only -- if you</p>
<p style="text-align: right;">Page 38</p> <p>1 wish to address your witnesses, we could 2 clarify that. 3 MR. DEGAN: Yes. Thank you, 4 Counsel. 5 Just in the interest of expediency, I 6 believe we have a stipulation that it is not 7 necessary for me to call each of the individual 8 Protestants. 9 One was seriously injured in a car 10 accident and is unable to testify. 11 But in the interest of avoiding 12 duplicative testimony, we will have a 13 representative from the Citizens who will 14 testify and that in -- in light of this 15 agreement, that the Petitioners won't raise any 16 issue that the individual Protestants have 17 defaulted or waived any of their positions in 18 this protest by not -- by not testifying. 19 MR. JARECKE: That is agreed. 20 MR. DEGAN: Is that fair? 21 MR. JARECKE: Yes, it is. 22 MR. BRASHEAR: That's fair. 23 HEARING OFFICER TEXEL: Okay. 24 Thank you. 25 MR. JARECKE: Now I think we're</p>	<p style="text-align: right;">Page 39</p> <p>1 ready for exhibits. 2 And so the Petitioners -- or effectively 3 Central will be offering Exhibits 20 -- excuse 4 me, 21 -- 21 through 45, I believe, without 5 exception -- as to that collective group, with 6 a single exception. 7 Exhibit 39 is a letter from Parker 8 Schenken who will be called as an expert 9 witness on behalf of Central. And Mr. Degan 10 will be reserving all objections with respect 11 to Exhibit 39. 12 MR. DEGAN: Yes. I mean, it -- 13 and in general, well, we're reserving all 14 objections to expert reports. 15 MR. JARECKE: That's -- his 16 letter's the only document that addresses that. 17 MR. DEGAN: Oh, potentially the 18 Phase 2 report. 19 MR. JARECKE: Okay. Add that if 20 you wish. 21 HEARING OFFICER TEXEL: Which is 22 the Phase -- which exhibit is the Phase 2 23 report? 24 MS. KREIFELS: 22. 22. 25 HEARING OFFICER TEXEL: Okay.</p>

<p style="text-align: right;">Page 40</p> <p>1 MR. DEGAN: But, yeah, with that 2 clarification, we have no objections to the 3 exhibits. But we reserve the right to object 4 to any of the expert reports based on 5 testimony. 6 HEARING OFFICER TEXEL: And 7 there's only one expert report, Mr. Jarecke? 8 MR. JARECKE: Arguably there are 9 two. Exhibit 22 will be -- it -- 10 HEARING OFFICER TEXEL: Okay. 11 MR. JARECKE: -- is titled the 12 Phase 2 report, does come from Power System 13 Engineering, the consultant utilized by Dawson 14 and Central in this matter. 15 HEARING OFFICER TEXEL: And 16 we've already pointed that one out so -- 17 MR. JARECKE: We have. In fact, 18 it was -- yeah, I believe it's been referenced 19 several times. 20 And then Exhibit 39 is a letter from 21 Parker Schenken. But I believe that letter 22 will essentially mirror his testimony. 23 HEARING OFFICER TEXEL: Okay. 24 Those are -- those are Central's exhibits or 25 both parties'?</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. JARECKE: You could say 2 they're collectively both, yes. 3 MR. BRASHEAR: Central and 4 Dawson. 5 HEARING OFFICER TEXEL: Well 6 I -- Central and -- 7 MR. JARECKE: Yes. Central and 8 Dawson. 9 HEARING OFFICER TEXEL: -- are 10 the -- 11 MR. JARECKE: Correct. 12 HEARING OFFICER TEXEL: There's 13 a separate list from the Citizens then; right? 14 MR. DEGAN: Yes. 15 MR. JARECKE: That is correct. 16 HEARING OFFICER TEXEL: Okay. 17 So I can accept Exhibits 21, 23 through 38 and 18 40 through 45 into the record then; right? 19 MR. DEGAN: Yes. 20 HEARING OFFICER TEXEL: I will 21 exempt 22 and 39. 22 MR. JARECKE: That is correct. 23 MR. DEGAN: That is right. 24 HEARING OFFICER TEXEL: Excuse 25 me. Okay. So I'll accept Exhibits 21, 23</p>
<p style="text-align: right;">Page 42</p> <p>1 through 38 and 40 through 45 into the record. 2 (Exhibits 21, 23-38 and 40-45 3 are made a part of this record 4 and may be found separate.) 5 HEARING OFFICER TEXEL: And then 6 Citizens have exhibits? 7 MR. DEGAN: So at this stage, 8 because of the exhibits that have been marked 9 today, we're going to need to renumber our 10 exhibits. 11 So I would suggest just at this time that 12 we record that we have a stipulation that, of 13 the exhibits that we have marked on our exhibit 14 list or identified on our exhibit list, that 15 there's reciprocal stipulation from the 16 Petitioners that there's no objection to those 17 exhibits with the exception of the expert 18 report, which is Don Wendell's report. 19 So, Counsel, do we have that stipulation? 20 MR. JARECKE: We do. 21 And just to clarify, the -- the other 22 agreement is a -- the hydro is the redacted 23 version. 24 MR. DEGAN: Oh, yes. So with 25 that stipulation, we also have a stipulation</p>	<p style="text-align: right;">Page 43</p> <p>1 that -- to the extent that we use a Power 2 Purchase Agreement that was disclosed pursuant 3 to a confidentiality agreement with the 4 districts, that we will not use that document 5 in its entirety but we've agreed only to submit 6 three pages if we do offer -- if we do end up 7 using it with any testimony. 8 Is that fair. 9 MR. BRASHEAR: That is fair. 10 That is correct. 11 HEARING OFFICER TEXEL: So are 12 we going to renumber -- are you going to 13 renumber them later, then we'll put them in the 14 record after -- after a break -- 15 MR. JARECKE: We will, right. 16 HEARING OFFICER TEXEL: -- or 17 something like that or after lunch or 18 something? 19 MR. JARECKE: Right. The 20 stipulation is correctly stated. 21 HEARING OFFICER TEXEL: Okay. 22 Just wanted to make sure we remember to -- 23 MR. DEGAN: Mark them and get 24 them in. 25 HEARING OFFICER TEXEL: -- to</p>

<p style="text-align: right;">Page 44</p> <p>1 re-mark them and get them into the record 2 before we would adjourn today. Even if we 3 continue tomorrow or Friday, I'd like to get 4 them into the record today -- 5 MR. DEGAN: Okay. 6 HEARING OFFICER TEXEL: -- so we 7 don't overlook that. 8 MR. DEGAN: Absolutely. 9 MR. JARECKE: On that point, 10 Mr. Texel, and, really, for the benefit of the 11 directors, regrettably, I do believe this will 12 be a three-day hearing. 13 HEARING OFFICER TEXEL: We have 14 the room reserved for all day today, tomorrow 15 till approximately one to two, depending on the 16 board members' schedules, and then Friday from 17 9:30 to 5. 18 We do have a hard break Friday at five. 19 The -- so we have to stop at five o'clock on 20 Friday. That's the only hard stop we have, 21 somewhat open, depending on the board members 22 tomorrow. So that's -- that's the schedule. 23 We can go past five today, depending on 24 counsels, court reporter and the board members. 25 After 5:30, I would want it to be known</p>	<p style="text-align: right;">Page 45</p> <p>1 the building's, I believe, locked, and if 2 somebody leaves, you can't get in. It's not a 3 public building. 4 We can stay past 5:30. If we need to, let 5 me know when it gets close because I need to 6 notify security that we are going to be in here 7 past 5:30 when the building's no longer public. 8 We can do that. But they ask to be notified. 9 So with that, let the parties know. And 10 so the public that's here, if you'd leave after 11 5:30, you can't get back in. You have to have 12 one of us let you back into the building. So 13 you don't really want to leave after 5:30. 14 That's the main point of that. 15 All right. So -- 16 MR. JARECKE: I think we're 17 ready to proceed. 18 HEARING OFFICER TEXEL: All 19 right. The parties have agreed at our 20 preconference hearings that we would have 21 opening statements. 22 The board typically does that in all 23 contested proceedings where there's opposing 24 parties. 25 We agreed to have it be limited to 15</p>
<p style="text-align: right;">Page 46</p> <p>1 minutes. 2 There will be closing statements, too. 3 The board and counsels, after seeing how much 4 evidence there is, will decide on the time 5 limit for that. We won't set that now. 6 So with that, I would let Central have 7 their opening statements. 8 MR. BRASHEAR: With permission, 9 given WebEx, I'll move to the witness stand, if 10 that's all right. 11 HEARING OFFICER TEXEL: Sure. 12 That's fine. 13 BOARD MEMBER PECK: Tim, this is 14 when I have to step out to go to my meeting. 15 So I'll be back just as soon as I can. 16 HEARING OFFICER TEXEL: Okay. 17 And that's Ms. Peck, one of the board members. 18 And it's 9:45. And she will be stepping out. 19 And we'll announce when she comes back. 20 Thank you. 21 BOARD MEMBER PECK: Thank you. 22 MR. BRASHEAR: Mr. Chairman, 23 Members of the Power Review Board, Counsel, 24 good morning. 25 My name is Kurth Brashear, as previously</p>	<p style="text-align: right;">Page 47</p> <p>1 said, with Rembolt Ludtke Law Firm representing 2 Central, joined today by Dave Jarecke and Ellen 3 Kreifels, who are also representing Central and 4 representing Dawson. 5 It is a privilege to address you on behalf 6 of the Central Nebraska Public Power and 7 Irrigation District as Central, with the 8 support of Dawson Public Power District, asks 9 you to approve its Petition for Charter 10 Amendment 6 merging Dawson with Central to 11 create the Platte River Public Power and 12 Irrigation District. 13 In asking for your approval, the leaders 14 of these public entities, their elected board 15 members and general managers follow the 16 visionary path of those who at the start of the 17 last century desired a prosperous and fertile 18 south central Nebraska and undertook the work 19 necessary to make that a reality. 20 Since its organization in 1933, Central 21 has achieved everything those involved in its 22 establishment, as well as those who first 23 conceived of the project decades before that, 24 hoped for. 25 It has reliably and consistently delivered</p>

<p style="text-align: right;">Page 48</p> <p>1 vital water for irrigation to benefit 2 agriculture, our state's most important 3 industry, not to mention the families, 4 communities and institutions of south central 5 Nebraska that are so reliant upon it. 6 As expected of a public entity, Central 7 has done this at low cost to its irrigation 8 customers because the majority of its revenues 9 from the start have been derived from 10 hydropower generation. 11 Central is achieving what it was 12 established to do and much, much more. Today 13 Central partners with producers who now use 14 surface water irrigation not as their primary 15 means of irrigation but to supplement the 16 center pivots they have, technology that did 17 not exist when Central was created. 18 Central generates clean hydropower, a 19 concept unknown in the 1930s, and supplies that 20 power to the needs of the people, throughout 21 Nebraska, not just locally. 22 Central engages with hundreds of lake 23 leaseholders who have homes and cabins around 24 its reservoirs. 25 It facilitates millions of visits to its</p>	<p style="text-align: right;">Page 49</p> <p>1 reservoirs every year that produce major 2 economic benefits to area communities. 3 And it ensures environmental benefits are 4 recognized and realized throughout much of the 5 Platte River Basin. 6 Central impacts the daily life of over 7 80,000 Nebraskans who reside in its six 8 counties, families who are sixth-generation ag 9 producers and people who don't know the 10 difference between field corn and sweet corn, 11 bankers and business owners, feedlot operators 12 and teachers, pastors and bartenders. 13 Central manages our second most precious 14 resource, water, for the benefit of our most 15 important resource, our people. 16 The charter amendments being presented to 17 you today and the merger with Dawson that these 18 amendments, with your approval, will implement 19 both reflect the comprehensive nature of what 20 Central is, a public power and irrigation 21 district and, with the addition of power 22 distribution to its operations, will enable 23 this consolidated district to benefit the 24 entirety of south central Nebraska in a 25 similarly comprehensive way.</p>
<p style="text-align: right;">Page 50</p> <p>1 Make no mistake, this is a significant 2 moment, one with long-lasting impact. These 3 proposed charter amendments reflect a bold 4 course fully in keeping with the visionary idea 5 opposed by some at the time that resulted in 6 Central being organized at another significant 7 moment. 8 As you'll hear today in 2020, the 9 district's leaders saw an opportunity which 10 started as informal conversations about the 11 sale of power amongst neighbors turned into 12 exploring ways that the districts could work 13 more comprehensively together, resource their 14 operations for a strong future, benefit their 15 customers more fully and enhance the region. 16 There were certainly elements that made 17 sense from the start. Both districts have 18 customers in Dawson, Gosper and Lincoln 19 Counties. 20 Dawson's charter territory essentially 21 overlaps Central's, meaning the workforces and 22 facilities of the districts are in close 23 proximity. 24 They share a common interest in the 25 region. They know its needs. They're invested</p>	<p style="text-align: right;">Page 51</p> <p>1 in its success, and they're aware of its 2 history. 3 True Nebraskans, the respective directors 4 of the districts, were interested in the 5 concept but also skeptical. This is certainly 6 fitting because, make no mistake, these are 7 strong public districts with over 450 million 8 in book value assets and additional -- annual 9 revenues approaching \$90 million combined. 10 Both could continue to operate as they 11 have since the beginning with success. But 12 could they be stronger together? Could they do 13 more together? 14 Central and Dawson have much in common. 15 Both are integral to daily life, providing 16 resources for economic prosperity. 17 Both are focused on the needs of rural 18 Nebraskans, their primary customers. 19 Both place a high value on irrigation and 20 the availability of water. 21 Both are led by boards with demonstrated 22 commitment to their mission, deep knowledge of 23 the industries they operate in, years of wisdom 24 gained from experience and with clear-eyed 25 focus on what matters for their districts.</p>

<p style="text-align: right;">Page 52</p> <p>1 The districts are financially prudent. 2 They take seriously their obligation as public 3 entities accountable to the public and 4 transparent with the public. And they value 5 doing what's right, not what's easy. 6 These commonalities and the shared desire 7 to strengthen south central Nebraska provided a 8 foundation. From that, with intentionality and 9 prudence, the leaders of Central and Dawson 10 explored what was possible. 11 They established, as you'll hear, a 12 four-phased process that had public check-in 13 votes of both boards throughout, ensuring that, 14 at key intervals, each district's board would 15 vote to determine if it made sense to continue 16 discussions or if their time was better spent 17 on their own mission. 18 Relying on their own experience in water 19 and their own expertise in water generation and 20 distribution, the districts engaged outside 21 consultants to evaluate the issues involved 22 with a district that would generate and 23 distribute power about governance and 24 operations, about facilities and finances and 25 to identify potential benefits to the</p>	<p style="text-align: right;">Page 53</p> <p>1 constituents and customers, as well as 2 identifying challenges they'd need to address. 3 The districts determined what was required 4 legally to join together and what the 5 parameters of doing so were, including this 6 hearing today. 7 Then starting in the spring of 2022, 8 representatives began to discuss, explore, 9 debate if and how Central could actually come 10 together. 11 As you'll hear, they took on critical 12 topics, each of which by itself without 13 agreement would have ended the conversations, 14 the territory of this new district, governance 15 of this new district, representation on the 16 board of this new district, financial matters 17 for the new district. 18 And they discussed what name could best 19 represent a combined district and the public it 20 will be accountable to, to reflect a new 21 chapter of work together. 22 Throughout the nearly two years of work 23 done by the districts, their leaders engaged 24 with their constituents, made presentations to 25 the public, received feedback, welcomed</p>
<p style="text-align: right;">Page 54</p> <p>1 conversations, facilitated comments and 2 conducted open houses. 3 The leaders of Central and Dawson resolved 4 the foundational topics, all of them, and 5 designed an exciting new district opportunity 6 built on their shared foundation. 7 The district they proposed for your 8 approval is one that will deliver surface 9 irrigation, distribute electrical power, 10 generate hydropower for use locally and for 11 sale beyond, recharge groundwater, enhance the 12 environment, provide recreational opportunities 13 and facilitate economic development. 14 The district envisioned is every bit as 15 bold as the plans that led to the formation of 16 Central 80 years ago. 17 Make no mistake, the vision that resulted 18 in Central was not unanimously supported in the 19 1920s when it was proposed. 20 In fact, there were producers in Phelps 21 and Kearney Counties who vocally opposed the 22 project. 23 Today, once again, some passionate voices 24 oppose the proposed charter amendments before 25 you.</p>	<p style="text-align: right;">Page 55</p> <p>1 And what do they object to? Well, they've 2 publicly speculated about potential effects on 3 surface water. Their primary concerns -- 4 concern seems to be a fear that they are losing 5 local control. 6 These voices will tell you that irrigation 7 is Central's primary purpose. Some might even 8 say it's its only purpose. But that wasn't 9 true in the 1930s any more than it is today. 10 From the beginning, it was understood that 11 irrigation delivery would not financially 12 support the district, that power generation 13 would. 14 It is power generation that is Central's 15 primary source of revenue annually and has been 16 since the start. 17 And while irrigation customers were the 18 primary focus at the start, Central's 19 operations have created additional 20 stakeholders. 21 Presumably no one in the 1930s considered 22 the possibility of groundwater recharge and the 23 connection between surface water and 24 groundwater that it reflects, a concept that 25 was not legally recognized in Nebraska until</p>

Page 56

1 the early 2000s.
2 In fact, some opposing this petition have
3 publicly acknowledged that it is the
4 groundwater recharge provided by Central that
5 they want to ensure continues unchanged, a
6 benefit which they do not pay Central for.
7 Likewise, no one in the 1930s contemplated
8 the interests and opportunities for recreation
9 that would arise from the creation of Lake
10 McConaughy and other reservoirs, nor were
11 environmental concerns an important
12 consideration; whereas, today, they are front
13 of mind.
14 In reality, I believe an incorrect
15 assumption underlies the small number of
16 opponents. And that incorrect assumption is
17 this: That irrigators own the water and that
18 irrigators control Central.
19 They do not.
20 As the state constitution makes clear, the
21 public, the people own the water, and it is the
22 public, the people who reside in Central today
23 to whom Central is accountable.
24 The irrigators are Central's customers
25 and, for those who have surface water rights,

Page 58

1 County and who both use groundwater irrigation
2 do not have the same interest in recharge.
3 You'll see today the common interest of those
4 producers.
5 Second, as you will hear, the combined
6 district, when fully implemented, will be
7 governed by a 14-member board of directors with
8 2 directors elected from each subdivision.
9 The Protestants tend to refer to proposed
10 Subdivisions 2, 4 and 6 as the irrigation
11 counties. So using their reference but without
12 accepting its validity, it is worth noting that
13 the geographic subdivisions that will be fixed
14 in the charter if you approve it of Central's
15 petition will be fixed in that charter and no
16 subsequent changes can be made to them with at
17 least one director from those subdivisions
18 voting in favor of those changes.
19 Similar requirements will exist for any
20 provisions requiring a three-fifths majority.
21 Consequently, the irrigation counties
22 effectively have a veto on actions requiring
23 any supermajority, including changing
24 representation on the board of directors.
25 Third is you will hear irrigators don't

Page 57

1 the trustee of those rights. But Central is
2 owned by and accountable to the public.
3 And it is this public who elects the
4 directors of Central, who elects those that
5 they -- the voters determine in their judgment
6 will best protect the interest of the district.
7 In electing these directors, the voters
8 are giving them the authority and discretion to
9 do what is best in their judgment for Central.
10 Given this authority and discretion, it
11 must be noted that no less than on 5 separate
12 occasions over a period of 23 months, at least
13 75 percent of Central's directors voted to
14 authorize the study, discussion, negotiation
15 and ultimately approval of the proposed merger
16 with Dawson that these amendments would
17 implement. Five times.
18 It is ironic that the protestants claim to
19 be losing local control due to such an
20 overwhelming demonstration of exactly that,
21 local control. Nevertheless, I want to address
22 their claim directly.
23 First, it is incredulous to assert, as
24 Protestants do, that producers who live on both
25 sides of the line dividing Dawson and Phelps

Page 59

1 have control on the board of Central today. An
2 opinion from the Nebraska Accountability and
3 Disclosure Commission prohibits any Central
4 director who is an irrigation customer of
5 Central from voting on irrigation-specific
6 matters, including the setting of irrigation
7 rates and the terms of standard agreements.
8 In short, the opponents don't seem to
9 recognize the current reality, nor the future
10 reality that would be embedded in the amended
11 charter.
12 The two district boards, however, were
13 cognizant of these and, through discussion,
14 negotiation and compromise, achieve a
15 governance model that takes into account all
16 interests, including that of the irrigators.
17 Central has been an incredibly successful
18 district, fully realizing the original vision
19 behind it and surpassing that.
20 Dawson has been an incredibly successful
21 district.
22 Today you are being asked to approve a
23 plan that will further a larger vision, one
24 that ties these districts together.
25 As you will hear, these amendments are in

Page 60

1 the best interest of Central.
 2 In January 1941, as George Norris flipped
 3 the switch to bring Central's Jeffrey hydro
 4 plant online, he said, "Here for the first time
 5 we are going to put the Platte River's
 6 wastewater to use for the benefit of us all, to
 7 moisten our soil and produce cheap
 8 electricity."
 9 The leaders of Central and Dawson are
 10 looking to fulfill Norris' prediction, provide
 11 water for agriculture, provide affordable
 12 electricity and benefit all of the people of
 13 south central Nebraska. During this hearing,
 14 you'll hear how they plan to do so.
 15 Named after the river that has been and
 16 will continue to be central to the -- both the
 17 region and the state, the time is right for
 18 this combined district to deliver for future
 19 generations the promised benefits Senator
 20 Norris so accurately described, moistening the
 21 soil, producing cheap electricity, benefiting
 22 the people of south central Nebraska.
 23 Today Central and Dawson ask you to
 24 approve a new chapter in their history, their
 25 combination as Platte River Public Power and

Page 62

1 of about 30 percent.
 2 My clients like Central the way it is.
 3 There's no need for this merger. There's no
 4 benefit from this merger. And that's why
 5 they're here. They're here for the water.
 6 Now, where I disagree with counsel is
 7 characterizing my clients as customers. The
 8 Protestants are citizens. They are residents
 9 of the counties that currently form the
 10 chartered territory of Central. And, as such,
 11 they very much have an interest in how the
 12 district is managed.
 13 They elect the directors. And ultimately
 14 they have a direct interest as to whether or
 15 not this consolidation should be approved by
 16 this board.
 17 So they are here as residents. And they
 18 are here in support of the water.
 19 I further disagree with counsel that our
 20 only interest here is as surface water
 21 irrigators. Although, I would note that the
 22 Kingsley Dam and most of the irrigation systems
 23 that currently are managed by Central were
 24 built, constructed and are operated for the
 25 purpose of surface water irrigation for

Page 61

1 Irrigation District commencing on July 1st,
 2 2023.
 3 Thank you.
 4 MR. DEGAN: Good morning. As I
 5 noted earlier, my name is Mike Degan. I'm the
 6 attorney for the Protestants in this matter,
 7 which consists both of the Citizens Against the
 8 Merger and the individual Protestants.
 9 I do agree with a couple of points that
 10 counsel pointed out, and the primary one is
 11 being that Central has reliably and
 12 consistently delivered water. In fact, they've
 13 done so for over 80 years.
 14 All of the great things that counsel
 15 alluded to in his opening statement about what
 16 Central has accomplished has and is currently
 17 being accomplished.
 18 They are delivering water. They're doing
 19 it effectively within their financial
 20 parameters.
 21 In fact, they've been so successful in
 22 operating the district that they've accumulated
 23 a large reserve surplus approaching \$100
 24 million.
 25 They have an operating margin on the order

Page 63

1 agriculture.
 2 The hydro units were constructed to
 3 provide supplemental revenue streams to reduce
 4 the cost of delivering water to the surface
 5 water irrigators.
 6 Now, over time, there have been additional
 7 stakeholders that have an interest in the
 8 water. Those include those that are interested
 9 in the recreational use of Lake McConaughy.
 10 There are those that have an environmental
 11 interest in how those water flows are managed.
 12 And, in fact, Central currently is obligated to
 13 release certain flows in order to comply with
 14 its FERC license.
 15 So there are many stakeholders that have
 16 an interest in the use of this water, which
 17 would also include Central's wholesale power
 18 customers. But it's about the water. It's not
 19 just about water irrigators.
 20 But before I leave that point, they're not
 21 just customers. They're ratepayers. And
 22 ultimately that's going to be a key issue for
 23 this board is to look out for the interests of
 24 the ratepayers.
 25 And, secondly, the water rights that

<p style="text-align: right;">Page 64</p> <p>1 Central manages belong to my clients. They're 2 the ones with the appropriated interest in the 3 water. They're held in trust and managed by 4 Central. But that's ultimately where those 5 water rights stem from. 6 So counsel stated that the ultimate issue 7 that my clients have is local control. It's 8 not just local control. It's control. Who 9 controls the water? 10 Now, this board is ultimately going to 11 have to decide whether or not this 12 consolidation is in the best interest of 13 Central. And we're going to be focusing over 14 these next three days on Central's interests, 15 not the combined entity. That's putting the 16 cart before the horse. 17 Before we start talking about the combined 18 entity, the primary issue we have is how does 19 any of this make sense from Central's 20 standpoint as we sit here today. 21 Secondly, this board needs to determine 22 whether or not any of the rights of other 23 persons, which would include the residents 24 within the chartered territory, are being 25 prejudiced.</p>	<p style="text-align: right;">Page 65</p> <p>1 We believe the evidence that you will hear 2 over the next two to three days will establish 3 that it's not only not in the best interest of 4 Central -- and when we say Central, we mean all 5 of the stakeholders in Central, all of the -- 6 the parties that are interested in water, how 7 that water is managed, how that water is either 8 released or stored and how the reservoir and 9 the canals are maintained. 10 And, secondly, we believe that this 11 consolidation will be prejudicial to the 12 interest of surface water irrigators. 13 Now, I step back from the first point of 14 contention that we have, which is the loss of 15 control. 16 There is no dispute here that the current 17 board is answerable only to water users. Okay, 18 whether they're recreational water users, 19 whether they're surface water irrigators, 20 whether it's wholesale power production from 21 the hydro units. 22 They currently have no retail electric 23 customers. So they don't have to take into 24 consideration how any particular decision will 25 impact a retail electricity customer.</p>
<p style="text-align: right;">Page 66</p> <p>1 As a result of this consolidation, that 2 will instantly change. So instead of having a 3 board consisting of 100 percent directors that 4 are managing Central for purposes of water use 5 and water use only -- and that includes the 6 hydros, but the hydros are being -- the energy 7 from the hydros is being sold simply to 8 generate revenue to support the irrigation 9 system. 10 After consolidation, the boards are going 11 to be merged. All of the existing board 12 members of Central, all of the existing board 13 members of Dawson are going to become 14 directors of a combined entity. 15 So from my clients' perspective, we go 16 from having a board that's 100 percent managed 17 and directed and controlled by persons solely 18 having an interest in water, the day after this 19 consolidation, they will have to share 20 management of that water with directors that 21 have no experience with irrigation and whose 22 primary purpose up until the day of the 23 consolidation is to protect the interest of 24 their ratepayers who are retail electric 25 customers.</p>	<p style="text-align: right;">Page 67</p> <p>1 And that is the inherent conflict that we 2 have a significant problem with because we 3 believe the evidence will show over the next 4 three days that those interests aren't always 5 going to align. 6 In fact, we will argue at the conclusion 7 of the evidence that this board is going to be 8 inherently conflicted from day one because 9 practically any decision is going to either be 10 more of a benefit for a -- water users or more 11 of a benefit for an electric retail utility 12 customer. 13 And it's because of that inherent tension 14 that it is going to be, in our estimation, if 15 not impossible, extraordinarily difficult to 16 manage that board in a manner that's fair to 17 both sets of ratepayers because we have two 18 entirely different sets of ratepayers. 19 Dawson has no surface water irrigators. 20 Central has no retail electric customers. 21 Central sells electricity. And Dawson 22 buys electricity. 23 In addition to that, you'll hear testimony 24 that from the specific interest of surface 25 water irrigators, when Central was first</p>

Page 68

1 formed, it was primarily the three core
2 counties that are known as the Tri County area,
3 Kearney, Phelps and Gosper.
4 That's where the majority of Central's
5 surface water irrigators reside. And in
6 recognition -- in recognition of that fact, the
7 Tri County area currently has 9 of 12 seats on
8 the current Central board. So the surface
9 water irrigators currently have roughly a
10 supermajority of the board.
11 After the -- if the consolidation goes
12 forward, eventually, after both sets of
13 directors are combined, as those directors
14 stagger off, there will eventually be a
15 permanent 14-member board. And of that
16 14-member board, only 6 will come from the
17 Tri County area.
18 So from the perspective of surface water
19 irrigators, they go from having a supermajority
20 control of Central to being in a minority
21 position moving forward.
22 And when it comes to the conflicts that
23 we've talked about, whether it's conflicts over
24 water use -- and you'll hear testimony that
25 irrigation turns on decisions whether to

Page 70

1 going to manage this combined district with the
2 two different legacy sides of the house, all of
3 those protections are contained in a
4 consolidation plan that, frankly, are nothing
5 more than a plan. They're not binding.
6 And the point here is, is that these
7 purported protections, which we do not believe
8 adequately protect us, but they weren't put in
9 the charter. And they certainly could have put
10 these protections in the charter if they were
11 serious about protecting the water users.
12 So we have to trust them. And the problem
13 with having to trust them is this is my
14 clients' only chance to convince this board not
15 to allow this merger to go forward because if
16 they don't follow through on what they say
17 they're going to do in their consolidation
18 plan, my clients will have no recourse because
19 this board's jurisdiction is simply to approve
20 or deny this application. There's no residual
21 jurisdiction to go back and police the merger.
22 An additional problem that we have with
23 this proposed merger and the reason we do not
24 believe it's in the best interest of Central is
25 that there's practically no value here to

Page 69

1 release water or decisions whether to store
2 water, and there are times when those align.
3 And you'll hear lots of testimony about, in the
4 peak of the summer months, there is some
5 alignment certainly between releasing water in
6 order to irrigate and releasing water at the
7 same time which will also benefit hydropower.
8 But there are also periods where there
9 aren't those complementary situations. For
10 example, during off-season in winter months
11 when there is no need to release water for
12 surface irrigation but there's still going to
13 be a need to keep the hydros turning if this
14 consolidation goes forward.
15 So clearly it is not true that they will
16 always be complementary. And it's these
17 invariable conflicts that will arise that we
18 are concerned about.
19 In addition to the conflicts -- oh, one
20 last point on the protections. One of the
21 issues that we have and you heard counsel
22 allude to the fact that they're going to build
23 in certain protections with respect to the
24 substantial reserve fund that Central has and
25 certain protections with respect to how they're

Page 71

1 Central.
2 If you look at this from a value
3 proposition, Central is contributing Lake
4 McConaughy, a reservoir that's worth 10s of
5 billions of dollars.
6 It's contributing four hydro units.
7 It's contributing the irrigation canals.
8 It has nearly \$100 million in reserve fund
9 and no debt.
10 Dawson's contributing very little. Dawson
11 has debt.
12 Dawson's contributing its distribution
13 system. Dawson generates more revenues than
14 Central.
15 But at the same token, Dawson generates
16 very little margin between gross revenue and
17 net income.
18 So from Central's perspective, we see very
19 little here in terms of a value proposition.
20 And we note that no value proposition or no
21 value assessment or valuation or fairness
22 opinion was done here.
23 There appears to be very little analysis,
24 if any, that was done independently by Central
25 which would simply justify, hey, does this make

<p style="text-align: right;">Page 72</p> <p>1 sense, does it make sense that we're 2 contributing all of these assets and all of 3 these benefits and getting practically nothing 4 in return. 5 And these -- you know, these benefits, 6 these assets, they're not just water 7 irrigators. It's all water users. These have 8 been built up over 80 years of prudent 9 management of Central and the management of 10 these facilities that now have substantial 11 value and prudent management of the operations 12 that's allowed Central to set aside nearly \$100 13 million for maintenance of its systems and 14 looking forward to a future FERC renewal. 15 So the purported benefits of this merger 16 have very little value to Central. And counsel 17 alluded to the study that was done by the PSE 18 group. And you'll hear a lot about this. We 19 will simply point out that the report itself 20 reflects practically no consideration of water 21 management issues, no consideration of 22 potential conflicts or potential management 23 difficulties between a retail utility and an 24 irrigation district. 25 Instead, the study focused on financial</p>	<p style="text-align: right;">Page 73</p> <p>1 matters. It focused on employee benefits, 2 administration costs and a great deal of 3 discussion of integrating the electric systems 4 between the two systems but nothing about 5 water. 6 In fact, the only testimony you'll hear is 7 that Central relied on its own expertise with 8 respect to water management without ever 9 setting out in writing either identifying these 10 potential conflict or identifying how they will 11 be managed in a consolidated entity. 12 The PSE study, the Phase 2 study as it 13 will be referred to, highlights potential 14 savings of a little more than \$11 million. And 15 those are primarily derived from one hydro 16 unit. It's known as the Jeffrey unit. 17 Right now Central sells all of its 18 hydropower via a PPA. That's how they've 19 always sold their power. They sell it on the 20 market on contracts that they can negotiate. 21 Those are coming due this year. They were 22 10-year contracts. 23 And the -- one of the justifications for 24 this consolidation is that when they put those 25 contracts out for an RFP, they're not seeing</p>
<p style="text-align: right;">Page 74</p> <p>1 favorable pricing. 2 So the PSE study suggests that by -- by 3 integrating this Jeffrey unit into Dawson's 4 utility, it will create an asset that it can 5 use its power to serve a portion of its native 6 load. 7 Now, currently Dawson purchases all of its 8 power from NEG and T. But they have a 10 9 percent carveout. 10 So they're going to use that carveout. 11 They're going to use the energy from this 12 20-megawatt Jeffrey unit, and because they're 13 no longer buying power, those cost savings are 14 going to generate a little over \$10 million, 15 which are most of the savings, most of the 16 financial benefit of the consolidation. 17 But that's coming at the expense of 18 Central. Right now Central sells that power 19 and gets revenues that it uses to offset its 20 irrigation costs. 21 So that margin is going to now be gone 22 because it's simply going to be operated for 23 the benefit of Dawson and Dawson's retail 24 customers. So that's no benefit to Central. 25 There will also be testimony about a</p>	<p style="text-align: right;">Page 75</p> <p>1 purported rate stabilization. Well, we submit 2 Central doesn't need rate stabilization. 3 For 80 years, Central has effectively 4 managed its resources and has delivered 5 low-cost power. And they have plenty of tools 6 in the toolbox to continue doing that into the 7 future. 8 And we will submit and you will hear 9 testimony that there is nothing in any of the 10 financials or in any of the financial modeling 11 provided by Central which would suggest that 12 there's any need for rate stabilization. 13 And it's not just my clients who are 14 concerned, that -- it's not just my clients 15 that have huge questions and are having 16 difficulty understanding how this merger makes 17 any sense from Central's standpoint. It 18 includes the dissenting members of Central's 19 board that were not in favor of this merger, 20 dissenting members of Dawson's board. 21 But, also, you'll hear testimony from 22 members of a adjacent NRD and that that NRD 23 has, in fact, voted against this merger because 24 of the concerns that we have raised. In 25 addition to a water group user that has long</p>

Page 76

1 worked in partnership with -- with Central is
2 also opposed to the merger.
3 At the end of the day, while this merger
4 may make sense for Dawson, it doesn't make
5 sense for Central. And for that reason, we
6 would ask that you find that it's not in the
7 best interest of Central and it's not in the
8 best interest of Central's stakeholders and
9 it's not in the best interest of surface water
10 irrigators. In fact, it's prejudicial to them.
11 And for those reasons, we would ask you to
12 deny the application.
13 Thank you.
14 HEARING OFFICER TEXEL: Couple
15 points I would note, just for the record.
16 Mr. Degan mentioned FERC. I don't think you
17 said it's the Federal Energy Regulatory
18 Commission. Just so we put that in the record.
19 And you mentioned NEG and T, which is the
20 Nebraska Generation and Transmission
21 Association, Inc. Just wanted to put in for
22 those unfamiliar with those or for the purpose
23 of appellate review, we have those entities
24 listed, not just the acronyms.
25 I think you might have said a PRE or PSE?

Page 78

1 With that, I don't have anything further.
2 So we are ready for Central?
3 MR. BRASHEAR: Call our first
4 witness.
5 MR. JARECKE: Yeah. And,
6 Mr. Texel, if I could just make one further
7 clarification and put it on the record, the
8 references made by counsel are obviously his
9 opinion, his argument, his opening statement.
10 But I think it's a misstatement on the
11 record that there will be any representation of
12 any authorized representative from an NRD
13 speaking on behalf of that NRD before this
14 board. There's no such resolution that's been
15 authorized.
16 MR. DEGAN: Well, I -- I don't
17 believe that was the representation I made.
18 The representation I made is there will be
19 testimony that the NRD had a meeting and voted
20 and passed a resolution.
21 MR. JARECKE: There's no NRD
22 representatives that will be able to testify
23 before this board in that capacity.
24 MR. DEGAN: They will be
25 testifying in their individual capacity as to

Page 77

1 MR. DEGAN: That was in
2 reference to the Phase 2 study.
3 HEARING OFFICER TEXEL: Okay.
4 Did you state what that is, a PSE?
5 MR. DEGAN: It is a --
6 MR. BRASHEAR: Power Systems
7 Engineering.
8 MR. DEGAN: Power Systems
9 Engineering. It's the name of the consulting
10 group that was hired jointly by the two --
11 HEARING OFFICER TEXEL: Oh,
12 that's a company, PSE?
13 MR. DEGAN: Correct.
14 HEARING OFFICER TEXEL: Okay.
15 MR. DEGAN: And I believe --
16 just for the board's edification, I believe
17 there will be testimony, are you calling --
18 certainly the report.
19 MR. JARECKE: The report will be
20 utilized. I don't know that Mr. Sonju will
21 necessarily be called.
22 MR. DEGAN: Okay.
23 HEARING OFFICER TEXEL: Okay. I
24 just wanted to clarify the acronyms so we have
25 those in the record.

Page 79

1 what factually transpired at that board
2 meeting. But they will not be testifying on
3 behalf of the NRD. That I will agree and
4 concede.
5 HEARING OFFICER TEXEL: Okay.
6 MR. DEGAN: They'll be
7 testifying solely in their individual
8 capacities.
9 HEARING OFFICER TEXEL: Okay.
10 With that, it's Central's first witness.
11 MR. BRASHEAR: We would call
12 Dave Rowe to the stand, please.
13 HEARING OFFICER TEXEL: Dave?
14 MR. BRASHEAR: Rowe.
15 DAVID ROWE,
16 Called as a witness on behalf of CNPPID, being
17 first duly sworn, was examined and testified as
18 follows:
19 HEARING OFFICER TEXEL: Okay.
20 And could you state your full name and address
21 for the record.
22 THE WITNESS: It's David Rowe,
23 R-0-W-E. My address is 16 Bass Bay Drive,
24 Johnson Lake.
25 HEARING OFFICER TEXEL: Okay.

Page 80

1 Thank you.

2 THE WITNESS: Yes.

3 DIRECT EXAMINATION

4 BY MR. BRASHEAR:

5 Q. Mr. Rowe, good morning.

6 A. Good morning.

7 Q. Would you please share your

8 occupation that you're currently engaged in.

9 A. I'm an ag producer, have irrigated

10 corn, soybeans, alfalfa.

11 Q. And where -- where are you -- you've

12 given your address. But where are you from

13 originally?

14 A. I graduated high school in Lexington.

15 I grew up on a farm near Darr. We go back 120

16 years, I guess.

17 Q. So you live in -- this is your area

18 you grew up in that you live in now?

19 A. It is, yes.

20 Q. What is your relationship to Central?

21 A. I'm the current president of the

22 Central board. Also, obviously a board member.

23 Q. So you are a director of Central?

24 A. I am a direct member -- or director

25 of Central, yes.

Page 82

1 It is recreation.

2 It is environmental issues.

3 It's future possible economic development.

4 Central is the lifeblood of central

5 Nebraska.

6 Q. During your time as director, how

7 well would you say Central has carried out that

8 purpose?

9 A. I think Central has done a fantastic

10 job. I'm very proud to be a member of Central.

11 I'm very excited for the future of Central.

12 Q. Why would you say it's done a

13 fantastic job?

14 A. You know, we live and breathe

15 irrigation. We've -- to both of your points,

16 we've -- have -- the district has brought in

17 groundwater recharge.

18 Everyone in the state has something to

19 smile about with Central. It affects all of

20 our lives, particularly the ones in central

21 Nebraska.

22 Q. Who in your opinion are the directors

23 of Central accountable to?

24 A. The -- the public, the people who

25 elected them.

Page 81

1 Q. How many years have you served as a

2 director of Central?

3 A. I've been on the board for 18 years.

4 Just was elected to the next six-year term.

5 Q. Just selected in November of '22?

6 A. That is correct, yes.

7 Q. And your current -- you mentioned

8 you're board president. That's your current

9 office?

10 A. That is my current office.

11 Q. How long have you been board

12 president?

13 A. I've been board president for four

14 years and just elected to the next two-year

15 term.

16 Q. Have you held any other offices

17 during your time on the board of directors?

18 A. I was vice president for six years.

19 Q. Mr. Rowe, what is your understanding

20 of Central's purpose?

21 A. Central's purpose is to provide

22 surface water irrigation, to provide

23 groundwater recharge, to take care of public

24 interests all across the district.

25 It's to take care of Kingsley Dam.

Page 83

1 Q. And I'm sorry, I didn't ask, what

2 area of Central do you represent?

3 A. I represent Dawson County. I'm the

4 only director in Dawson County.

5 Q. In your view or in your opinion, what

6 are the strengths of Central's board over these

7 last several years?

8 A. Well, I would say that the directors

9 combined have over 200 years' worth of

10 experience and history on this board.

11 That -- this board knows water. I mean,

12 they know what they're doing. They are

13 successful in their own endeavors. They're

14 very forward thinking. I'm proud to be a

15 member of this board.

16 Q. Would you view Central's board as

17 committed to the protection of water?

18 A. Absolutely. It's like breathing. We

19 just -- that's what we do. It's innate to us.

20 We've been up against NRDs. We've been up

21 against other people to protect our water.

22 That's what we do.

23 Q. When you look ahead as a board member

24 for Central, what issues do you -- do you see

25 are top of mind for you?

<p style="text-align: right;">Page 84</p> <p>1 A. Well, I feel that if we're not moving 2 forward, we're moving backwards. 3 I feel that we can't be stagnant. I think 4 we were very blessed with a lot of water in the 5 mountains these last few years. 6 I look for opportunities. You know, 7 we've -- as a board, have told Devin, open 8 doors, go find things, go -- go explore, see 9 what else is out there. 10 We have to move forward or maybe we 11 don't -- you know, maybe we don't survive. 12 Q. When you say Devin, you mean 13 Mr. Brundage? 14 A. Mr. Brundage, yes. 15 Q. When you say open doors, open -- I -- 16 open doors to what? 17 A. Any opportunity that's out there. 18 You know, if it's solar, if it's low-head 19 hydros, if it's a potential merger or 20 acquisition of a power company, just whatever, 21 just bring us back something, just keep your 22 eyes open, look, be aware of what's out there. 23 Q. Would you view this proposed merger 24 with Dawson Public Power as an opportunity in 25 that vein?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Absolutely, absolutely. 2 Q. When did you first learn about the 3 concept of even studying a combination of some 4 kind? 5 A. Around 2-1/2 years ago. We were 6 looking for power contracts. And we thought we 7 should talk to our neighbors. 8 Q. And what was your reaction when you 9 first learned about this possibility or at 10 least the idea was raised with you? 11 A. I was very, very excited. We would 12 have local -- local control, local generation, 13 local consumption. We'd have jobs for our 14 future -- future kids, our grandkids. It's -- 15 it's very exciting for central Nebraska. 16 Q. I think you indicated your testimony 17 was 2-1/2 years ago perhaps you first heard 18 about that; is that correct? 19 A. Around that, yes. 20 Q. Would that be true for the board 21 overall, in your view? 22 A. Yes. The entire board. 23 Q. And what was the board's view in 24 terms of how this should be explored and 25 whether that should be made public or done</p>
<p style="text-align: right;">Page 86</p> <p>1 through conversations? Was there any 2 conversation about that? 3 A. Yeah. I believe Devin came to a 4 board meeting or a committee meeting and -- 5 which we have two of each month, open to the 6 public, and said, hey, this is a possibility, 7 what do you think. 8 And so conversations went on. And we 9 decided to -- yeah, this makes sense, let's 10 hire a consultant. 11 And so we hired a consultant. And kind of 12 the rest is history. 13 Q. What were the issues that the 14 district thought it needed to have outside 15 consultants on at that time? 16 A. Well, we wanted to see if it was even 17 viable, see if it made sense to anyone outside 18 of our boardroom and just see if -- if there's 19 any reason to look forward. 20 Q. Did the board think it needed a water 21 consultant? 22 A. No. We have engineers, water 23 engineers, the directors. 24 We -- I would argue that the Central 25 District are the professionals. When people</p>	<p style="text-align: right;">Page 87</p> <p>1 come from out of state or out of the country, 2 they come to Central to learn about water and 3 how to use water. 4 Q. What would you say, Mr. Rowe, was -- 5 where would governance fall on the list of 6 issues that the board was focused on at the 7 beginning? 8 A. We knew that we were going to have 9 to, you know, tackle that one, we were going to 10 have to tackle the color of pickups. 11 We had a whole bunch of stuff that, you 12 know, how is this going to go forward, let's 13 work through this, let's talk about it, let's 14 see if there's any traction here. 15 Q. Were there any issues in your view, 16 Mr. Rowe, that, if they had been proposed, 17 would have been an absolute nonstarter? Or 18 were there any nonnegotiables for Central, in 19 your view? 20 A. At the beginning, our minds were wide 21 open. 22 Water and the delivery of was key. Like I 23 said before, that is innate in all of us on the 24 board. I mean, that goes without saying. 25 Q. So would you view water as a</p>

<p style="text-align: right;">Page 88</p> <p>1 nonnegotiable -- impacting -- water is a 2 nonnegotiable? Or what do you mean by that? 3 A. Absolutely it's a nonnegotiable. 4 And I do believe that Dawson understood 5 that, too. There's -- many of their directors 6 are irrigators as well. 7 I might add, I am a surface water 8 irrigator; though, I do not get surface water 9 from Central. But I have a cabin lease with 10 Central. And we benefit from the mound, the 11 recharge that Central has created and so do the 12 Dawson irrigators and directors. 13 Q. In your view, how involved was the 14 board during this roughly two-year period that 15 led up to today? 16 A. Very. Every meeting we had on the 17 agenda a discussion about it. We talked about 18 it. We voted whether to go forward to new 19 phases. And every phase as we voted, we went 20 forward. 21 Q. Did you have conversations -- 22 HEARING OFFICER TEXEL: Okay. 23 Can I interject just for a moment? 24 THE WITNESS: Sure. 25 HEARING OFFICER TEXEL: Could --</p>	<p style="text-align: right;">Page 89</p> <p>1 we've heard a lot of surface water irrigation. 2 Could we define that term for the record and 3 what we mean by surface water irrigation? 4 THE WITNESS: Sure. Well, 5 surface water irrigation is water that is not 6 pumped out of the ground in -- in reference to 7 this. It's water that could be stored in 8 McConaughy. It has appropriation. It's water 9 that is attached to the ground. 10 So in my case, I have water rights that 11 are surface water rights. And so I call it up. 12 And I go ahead. And I put it on my crops. 13 HEARING OFFICER TEXEL: So it's 14 where the water comes from? 15 THE WITNESS: That is correct, 16 yes. 17 HEARING OFFICER TEXEL: On the 18 surface as opposed to the aquifer or 19 underground? It's not -- it's not based on how 20 you use it? It's based on where it comes from? 21 THE WITNESS: Correct. Yes, 22 yes. 23 HEARING OFFICER TEXEL: Okay. 24 THE WITNESS: In this instance, 25 absolutely, yes.</p>
<p style="text-align: right;">Page 90</p> <p>1 HEARING OFFICER TEXEL: Okay. 2 Thank you. I wanted to define that term so we 3 know. 4 BY MR. BRASHEAR: 5 Q. Mr. Rowe, did you -- did you engage 6 with constituents, either that you represent 7 directly or constituents of Central, during 8 those two years? 9 A. I did. My Dawson County folks were 10 curious and very, very supportive and said, 11 hey, why haven't you guys done this a long time 12 ago. 13 And I received phone calls from all around 14 the area, I presume because I'm president of 15 the board. 16 And there were some folks that were -- 17 were opposed to it. And they may or may not 18 have listened. But they continue to be opposed 19 to it, which is fine. You know, we all have 20 opinions. 21 Q. What reasons did, if you recall, 22 those -- those who said they were opposed to 23 it, what reasons did they give you for 24 opposition? 25 A. Control, their water. They did not</p>	<p style="text-align: right;">Page 91</p> <p>1 want their water to leave the area. Why 2 change, it's been good forever. 3 Those are pretty much the main issues that 4 people would bring up. They'd have questions, 5 you know, governance questions and just -- just 6 across-the-board questions. 7 Q. Did -- was there engagement with 8 constituents throughout the two-year process, 9 or did it vary, or when did you have these 10 conversations? 11 A. We had these conversations, like I 12 said, at every board meeting, every committee 13 meeting. 14 We had open houses. 15 We had meetings with water users. 16 We've met with the NRDs. 17 We've met with a lot of different 18 individuals. The door is always open. 19 I told my board and Devin's staff that 20 from day one, we were going to be 100 percent 21 transparent, the door is always open, everyone 22 has my phone number, Devin's phone number is 23 posted everywhere -- I can't believe he does 24 that, but it is -- and just let's talk this 25 through, let's try to figure out what your</p>

Page 92

1 concerns are and we will work through them.
 2 HEARING OFFICER TEXEL:
 3 Before -- before the next question, I want to
 4 announce that Board Member Peck is back on.
 5 She came back on at 10:34. So she is on WebEx
 6 again. So we have the bookends for when she
 7 left and when she has returned to watch this
 8 proceeding.
 9 BY MR. BRASHEAR:
 10 Q. Mr. Rowe, how important is hydropower
 11 generation to Central?
 12 A. Very important.
 13 Q. And why is that? Why do you say
 14 that?
 15 A. That's the majority of their income.
 16 Q. Do you have any concerns about using
 17 hydropower generation within this new Platte
 18 River Public Power District internally?
 19 A. No. Zero concerns.
 20 Q. And why is that?
 21 A. Well, the profitability beyond just
 22 power sales contracts matches water
 23 consumption, irrigation, surface water
 24 irrigation consumption perfectly.
 25 And what -- what will happen is we will

Page 94

1 the misconception that Phelps, Gosper and
 2 Kearney County which has nine directors between
 3 the three of them have the ability to set rates
 4 and discuss and work with irrigation.
 5 And in reality, we were told a few years
 6 ago that we can't do that because we're too
 7 close, anything that has to do with irrigation,
 8 if you're a part of it, that would affect your
 9 bottom line, you're out.
 10 Similar to me, I am a leaseholder at
 11 Johnson Lake. And so when lease negotiations
 12 or anything like that come up, I'm out of
 13 there.
 14 HEARING OFFICER TEXEL: When you
 15 were told that, is that pursuant to the
 16 Accountability and Disclosure Commission's
 17 Opinion --
 18 THE WITNESS: Yes. With Frank
 19 Daley, yes.
 20 HEARING OFFICER TEXEL: -- I
 21 think 205.
 22 MR. BRASHEAR: At this time,
 23 we'd like to refer to, I think, Exhibit 42,
 24 which is in here.
 25 And do we have a copy we --

Page 93

1 shave the peaks off of the irrigation loads,
 2 the expensive peaks, the expensive times that
 3 water is or -- expensive electricity, which
 4 matches right up with the time that the water
 5 is used.
 6 You had mentioned that there is wintertime
 7 releases. Well, yes, there are. There's --
 8 everything that gets released out of McConaughy
 9 is spinning the wheel and producing power.
 10 Q. Mr. Rowe, counsel made a comment in
 11 opening, if I -- I believe I'm close to right
 12 on this, saying that Central's board today is
 13 100 percent managed, directed and controlled
 14 and solely has interest in irrigation today.
 15 Not a perfect paraphrase but I think somewhat
 16 close.
 17 Would you agree with that statement?
 18 A. No.
 19 Q. Would you consider Central's board
 20 today controlled by irrigators?
 21 A. Controlled by irrigators?
 22 Q. Yes.
 23 A. No.
 24 Q. Why do you say that?
 25 A. Well, I think some people are under

Page 95

1 MR. JARECKE: We do.
 2 MR. BRASHEAR: -- need to give
 3 Mr. Rowe?
 4 HEARING OFFICER TEXEL: Is that
 5 No. 205?
 6 MS. KREIFELS: Yes.
 7 HEARING OFFICER TEXEL: If my
 8 memory is right.
 9 MR. JARECKE: I think it is,
 10 yes.
 11 THE WITNESS: Thank you.
 12 HEARING OFFICER TEXEL: I wanted
 13 to clarify one point, too. I think -- I don't
 14 want to go back and forth on it, but the --
 15 Mr. Brashear said that all or almost all the
 16 members of the board were irrigators. Is it a
 17 majority of the board that are irrigators on
 18 Central?
 19 THE WITNESS: Yeah, I would say
 20 the majority of the board is.
 21 HEARING OFFICER TEXEL: Is it a
 22 supermajority, like, a three-fifths or --
 23 two-thirds or three-fifths?
 24 THE WITNESS: I would say --
 25 yeah, I would say it is, yes.

<p>1 HEARING OFFICER TEXEL: Okay. 2 Because my recollection is that's what 3 Mr. Degan had said in opening. As opposed to 4 the entirety of the board, I just wanted to 5 clarify exactly what the numbers are. 6 THE WITNESS: But the difference 7 is is some of them are Central surface water 8 users as opposed to irrigators that use 9 groundwater. 10 HEARING OFFICER TEXEL: Okay. 11 THE WITNESS: Does that make 12 sense? 13 Okay. No? 14 BOARD MEMBER HUTCHISON: No. 15 Can you clarify the difference, please? I just 16 to want make sure I understand who the board -- 17 you know, what their relationships besides 18 being board members are to the district. And 19 can you just kind of go through what you're 20 alluding to and making sure I understand that? 21 THE WITNESS: Okay. So the 22 three counties -- Gosper, Phelps and Kearney 23 County -- have nine directors. And there's one 24 director from Dawson, Keith and Lincoln County. 25 So in terms of irrigators, I'm an</p>	<p>Page 96</p> <p>1 irrigator. But I'm not a Central customer. 2 I have surface water. But I have surface 3 water from other irrigation districts. 4 And so when we want to talk about the nine 5 that are in the core counties of the district, 6 in the charter counties, I believe there's 7 five, probably six of them that are surface 8 water Central customers. Therefore, they're 9 not allowed to have any discussion or any 10 results pertaining to irrigation. 11 MR. DEGAN: I'm going to object 12 to the conclusion as to what Opinion 205 13 requires. I think the -- I think 205 speaks 14 for itself. 15 HEARING OFFICER TEXEL: Well, to 16 the extent he gave an opinion as to what the 17 conclusion of the opinion is, I'll sustain 18 that. 19 We can draw the arguments from that based 20 on the opinion itself. 21 BOARD MEMBER HUTCHISON: Can -- 22 so my understanding -- 23 BOARD MEMBER REIDA: What -- 24 what exhibit number would I be looking at from 25 the list you sent me?</p>
<p>Page 98</p> <p>1 MS. KREIFELS: 43. 2 MR. BRASHEAR: Exhibit 42 -- 3 MS. KREIFELS: Three. 4 MR. BRASHEAR: -- is the 5 advisory opinion, and on the easel is Exhibit 6 43. 7 BOARD MEMBER REIDA: 42 and 43? 8 MR. BRASHEAR: Correct. 9 HEARING OFFICER TEXEL: And do 10 we have a 8 1/2 by 11 of 43? 11 MR. JARECKE: Yes. 12 MS. KREIFELS: Yes. 13 HEARING OFFICER TEXEL: Okay. 14 Okay. 15 MR. JARECKE: And -- 16 MS. KREIFELS: They also have 17 it. 18 MR. BRASHEAR: Member Hutchison, 19 I don't want to interrupt. You were asking 20 questions. 21 BOARD MEMBER HUTCHISON: Yes. 22 MR. BRASHEAR: So I don't want 23 to interrupt whatever questions you might have. 24 BOARD MEMBER HUTCHISON: So I 25 understand the Protestants' counsel's</p>	<p>Page 99</p> <p>1 objection. But I want to make sure that I 2 understand how in practice does Central 3 District has basically -- you know, who -- 4 under what conditions do board members recuse 5 themselves from consideration or votes, what 6 kinds of factors have historically occurred as 7 you understand it as president of the board? 8 THE WITNESS: Irrigation rates, 9 the time -- the schedule so when they would 10 deliver water. 11 We -- such things as if we want to do a 12 recharge project that would have something to 13 do with irrigation, those directors typically 14 would recuse themselves. 15 Just anything that pertains that would 16 affect your financial wherewithal in terms of 17 irrigation. 18 BOARD MEMBER HUTCHISON: And -- 19 let me go back to my notes here. 20 Did I understand you to say that -- no. 21 It was in the Protestants' counsel's opening 22 comments that 9 out of 12 seats today are 23 represented by those three counties, Gosper, 24 Phelps and Kearney? 25 THE WITNESS: That is correct.</p>

<p>1 BOARD MEMBER HUTCHISON: And so 2 how many of those directors typically have to 3 recuse themselves? Because you don't have a 4 majority of the board anymore if all of them 5 recuse themselves; is that correct? 6 THE WITNESS: As I -- that is 7 correct. 8 As I understand it, it is only the members 9 present. And so you have -- the -- the members 10 that are eligible to vote are the members of 11 the board while that vote is going on, if I 12 understand it correctly. 13 BOARD MEMBER HUTCHISON: So are 14 there times at which you only have three board 15 members that are voting? 16 THE WITNESS: Well, back to our 17 original one. So of the nine in those 18 chartered counties, there will be -- there has 19 been five or six that were unable to vote. 20 So of the nine, four or five of them plus 21 the other three so there would be a total of 22 seven-ish that would be able to vote on 23 irrigation issues. 24 BOARD MEMBER HUTCHISON: So, in 25 other words, some of the directors from those</p>	<p>Page 100 1 three counties are not irrigation users; some 2 of them are? 3 THE WITNESS: That is correct. 4 Central customers. 5 BOARD MEMBER HUTCHISON: Okay. 6 THE WITNESS: Direct customers. 7 BOARD MEMBER HUTCHISON: They 8 may be irrigation -- 9 THE WITNESS: Yes. 10 BOARD MEMBER HUTCHISON: -- 11 users, but they're not customers of Central? 12 THE WITNESS: Yeah, that's the 13 distinction. 14 BOARD MEMBER HUTCHISON: Okay. 15 Thank you. 16 MR. BRASHEAR: So -- 17 HEARING OFFICER TEXEL: I want 18 to ask, too, board members have white notebooks 19 with exhibits. Is that from -- I -- I'm not 20 aware where that came from, what's in it. 21 MR. JARECKE: Yeah. I 22 apologize. I should have mentioned that. 23 On behalf of the Petitioners, we have 24 delivered before each director present a 25 collection of all of the exhibits previously</p>
<p>Page 102 1 offered, including the two that were not yet 2 received. But all of those exhibits are before 3 you, just for convenience. They are not part 4 of the official record. 5 HEARING OFFICER TEXEL: Okay. 6 So has 22 and 39 in that -- 7 MR. JARECKE: That is correct. 8 HEARING OFFICER TEXEL: -- list. 9 So the board members keep -- need to keep in 10 mind, those two are not in the record at this 11 point. 12 Do you have one for the hearing officer, 13 one of those notebooks? 14 MS. KREIFELS: I have the 15 official. 16 MR. JARECKE: You have the 17 official. 18 HEARING OFFICER TEXEL: And 19 opposing counsel? 20 MS. KREIFELS: They were 21 delivered to opposing counsel via the share 22 file. 23 MR. JARECKE: Electronic. 24 MS. KREIFELS: Electronically, 25 yes.</p>	<p>Page 103 1 MR. JARECKE: As were his. 2 HEARING OFFICER TEXEL: Did you 3 receive those? 4 MR. DEGAN: We do. 5 MS. KREIFELS: Yes. 6 HEARING OFFICER TEXEL: I don't 7 have them. So I can't follow along very 8 easily -- 9 MS. KREIFELS: Hold on. 10 HEARING OFFICER TEXEL: -- 11 without those but -- 12 MS. KREIFELS: Hold on. I have 13 one for you. 14 MR. JARECKE: Oh, we have it. 15 Yes, we do. Yes, we do. Gwen was holding it 16 for you. 17 BOARD MEMBER REIDA: Mr. Rowe? 18 THE WITNESS: Yes, sir. 19 BOARD MEMBER REIDA: Yeah, this 20 is Frank Reida. 21 So you're going to have to educate me. 22 Even though I was a former employer of NPPD, 23 which is both an electrical and an irrigation 24 district, I know a lot about electricity. I 25 know nothing about irrigation.</p>

Page 104

1 THE WITNESS: Okay.
2 BOARD MEMBER REIDA: How do
3 you -- does the district have a duty to serve
4 with respect to water? Or are there contracts?
5 Or how exactly -- how exactly do the entities
6 that are receiving this water -- are there
7 contracts? Or how do they get it? What's
8 the --
9 THE WITNESS: Exactly like
10 NPPD -- exactly like NPPD does.
11 I'm a customer of NPPD as well. And so
12 there are water rights that attach to my
13 ground, and Dawson -- or Central or NPPD in
14 this case hold those contracts.
15 I might note that that's the -- the state
16 is in charge of that. So it's the -- it's the
17 people's water. And we are allowed to use it
18 at this point in time.
19 BOARD MEMBER REIDA: So do you
20 get that by contract? Or is it a duty to
21 serve? Or if there's a deficiency of water
22 availability, how does that work?
23 THE WITNESS: So in my case, I
24 have a water right. So I have the right to
25 that water as currently stated with the

Page 106

1 time of day. What time of day do you irrigate?
2 THE WITNESS: We typically
3 irrigate 24/7.
4 But in the morning, we will go to a thing
5 called Code Red. And Code Red was -- is really
6 expensive electricity. And so if we sign up
7 for cheaper electricity in the spring, then we
8 can buy cheap electricity because they will
9 automatically shut off our wells during the
10 Code Red.
11 Well, there are some people who choose not
12 to shut off their wells or they are
13 manufacturers or they're businesses, and they
14 get charged that higher rate.
15 And so that's what makes this marriage so
16 wonderful is the fact that when that's -- when
17 there's high draws and high energy bills, the
18 water is flowing because of irrigation.
19 BOARD MEMBER REIDA: So what
20 you're -- I guess the -- I'm trying to think of
21 the correlation.
22 So, for instance, if you're in -- let's
23 say, in California, and you have solar power,
24 it coincides with air-conditioning load. So
25 when the sun is out, it's hot, at the same time

Page 105

1 legislature.
2 In terms of delivery, if they're short of
3 water, then the board would have the -- they
4 would figure out how to allocate that water.
5 And so if we would go back into the prior
6 drought, which was quite a drought, we
7 allocated our irrigators -- we went down to 6.7
8 inches of delivered water, surface water.
9 BOARD MEMBER REIDA: So you
10 receive it by contract -- or by the fact that
11 you own the land, that -- that you then have a
12 water right which Central delivers -- well, not
13 necessarily to you but delivers to its
14 customers who are water customers?
15 THE WITNESS: As I understand
16 it, that is correct.
17 BOARD MEMBER REIDA: Okay. Now,
18 second question that I have, I have a little
19 bit of cognitive dissidence on this. When do
20 irrigators typically irrigate?
21 THE WITNESS: Typically we start
22 at the beginning of July. Typically when you
23 turn your air-conditioner on and you have to
24 have it is when we irrigate.
25 BOARD MEMBER REIDA: No. I'm --

Page 107

1 you're getting electricity. I'm trying to
2 correlate your -- it seems to me is -- if I was
3 an irrigator, I would want to irrigate at
4 night. And so that would be when you'd be
5 releasing the water and so -- but that would
6 not be coincident with an electrical peak.
7 I mean, my understanding is the reason
8 this is beneficial is that you're going to cook
9 off the demand load.
10 THE WITNESS: It is but --
11 BOARD MEMBER REIDA: And so --
12 and so you -- you would -- wouldn't an
13 irrigator be irrigating at a time when you
14 would not have a demand?
15 THE WITNESS: That's a great
16 question.
17 BOARD MEMBER REIDA: If you're
18 irrigating at night, you're not -- it's not
19 going to be coincidence with your electrical
20 demand, the peak.
21 THE WITNESS: That's a great
22 question and great comment.
23 So the way Central is set up is that they
24 can store that water until it needs to be
25 released behind the hydros. And then they can

<p style="text-align: right;">Page 108</p> <p>1 hold 8, 10, 12 hours' worth of water in their 2 system. So when you're ready to turn on water, 3 it's sitting there, ready to go. 4 BOARD MEMBER REIDA: So they've 5 already -- it's already gone through the hydros 6 as far as producing the electricity and, yet, 7 it's then available for irrigation; is that 8 what you're saying? 9 THE WITNESS: That is -- that is 10 correct. It can sit in the -- you know, the 11 voids, the canal systems or the lakes or the 12 other reservoirs. So it's like a three- or 13 four-tier -- step tier. 14 And I would also say that a lot of times, 15 surface irrigation, they don't have the ability 16 to turn water on and off like groundwater would 17 because of the electrical rates. 18 BOARD MEMBER REIDA: Okay. 19 Thank you. That makes sense. 20 THE WITNESS: I hope I answered 21 your question. 22 HEARING OFFICER TEXEL: At this 23 point, I've had a request from the board 24 members, we're going to take a short break 25 for -- facilities break.</p>	<p style="text-align: right;">Page 109</p> <p>1 So it's -- we're going to take a 5- to 2 10-minute break at this point. And then we'll 3 come back on the record. So we are in short 4 recess. 5 (10:51 a.m. - Recess taken.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 110</p> <p>1 (At 11:09 a.m., with parties present as 2 before, the following proceedings were had:) 3 HEARING OFFICER TEXEL: All 4 right. We're going to go back on the record. 5 And you may continue. 6 MR. BRASHEAR: Okay. Thank you. 7 BY MR. BRASHEAR: 8 Q. Mr. Rowe, before we went on break, 9 there had been some mention to a variety of 10 things. And I just want to refer back to that. 11 So first of all, sir, I believe you have 12 Exhibit 42 in front of you. Oh, I'm sorry. 13 BOARD MEMBER MOEN: Yeah, can I 14 ask my questions? 15 MR. BRASHEAR: Yes. I 16 apologize. 17 BOARD MEMBER MOEN: This is a 18 followup to Chairman Reida's question. 19 So are -- the surface water irrigators, do 20 they get -- for Central's, do they get their 21 water downstream, 100 percent it comes 22 downstream of hydro plants or some from 23 upstream? 24 Second part of that is, does the Central 25 board sometimes have to make a decision are we</p>	<p style="text-align: right;">Page 111</p> <p>1 going to supply water for surface water 2 irrigation or are we going to generate power? 3 Is that in conflict sometimes and you have to 4 decide that? 5 THE WITNESS: Is it in conflict? 6 I would say no, because we deliver for 7 irrigation. And we are able to generate power 8 through the irrigation. And we have been on 9 contracts. And so the contracts just stay -- 10 you just -- the power that comes in is the 11 power that goes out. 12 The -- what was your first question? I'm 13 sorry. 14 BOARD MEMBER MOEN: Does the 15 water supply to the surface -- does it come 16 downstream of the -- 100 percent of it to the 17 irrigation customers comes downstream of the 18 hydro plants? Or is some of it coming from 19 upstream of the hydro plant? 20 THE WITNESS: So I think they 21 will probably bring that in later. But the 22 North Platte water comes through Lake 23 McConaughy, which is the first dam. But there 24 is sometimes South Platte flows that will come 25 into the -- some of the other generators in</p>

<p style="text-align: right;">Page 112</p> <p>1 Gothenburg, in J-1 and J-2 south of Lexington. 2 HEARING OFFICER TEXEL: What's 3 J-1 and J-2? 4 THE WITNESS: Johnson Generator 5 1 and Johnson Generator 2. They're the hydro 6 plants near Lexington. 7 HEARING OFFICER TEXEL: Okay. 8 MR. JARECKE: Director Moen, I 9 think the next witness can clarify that for 10 you. 11 BOARD MEMBER MOEN: Okay. And 12 the second part of that question, the board 13 doesn't have to make a decision on are we going 14 to surface irrigate or generate power? That's 15 not a conflict -- 16 THE WITNESS: No, that's not a 17 conflict. 18 BOARD MEMBER MOEN: -- question 19 that you have for a -- the board that you have 20 to decipher? 21 THE WITNESS: No. 22 HEARING OFFICER TEXEL: Based on 23 what you were saying, is it fair to say that 24 the surface irrigation needs have priority and 25 the hydropower is a by-product of that? Or is</p>	<p style="text-align: right;">Page 113</p> <p>1 that a -- is that a correct summary? Or is 2 that incorrect? 3 THE WITNESS: Well, I would say 4 that is correct by default. 5 You know, we always have irrigation 6 priority in the back of our minds. But it also 7 produces power as it comes through. So the 8 power is generated to irrigate. 9 HEARING OFFICER TEXEL: Okay. 10 All right. 11 THE WITNESS: Does that make 12 sense? 13 HEARING OFFICER TEXEL: Well, 14 you put it -- it goes through, but its purpose 15 is for irrigation, but you're getting 16 hydropower by that water -- 17 THE WITNESS: As a sideline. 18 HEARING OFFICER TEXEL: Right. 19 That's why I said kind of a by-product. 20 And doesn't the Corps of Engineers have 21 something to say about how much water has to or 22 can be released out of Lake McConaughy, too? 23 THE WITNESS: You're getting 24 past my pay grade. 25 HEARING OFFICER TEXEL: Okay.</p>
<p style="text-align: right;">Page 114</p> <p>1 That's another witness. That's fine. If you 2 don't know, it's perfectly fine to say you 3 don't know. And we'll see if another witness 4 can address that. 5 THE WITNESS: I don't believe 6 the Corp has much to do with that. I think it 7 would be more of a Fish and Wildlife. 8 HEARING OFFICER TEXEL: Okay. 9 Wrong federal entity. Maybe Fish and Wildlife 10 for threatened and endangered species can tell 11 you how much you have to release or restrict 12 it, depending on how it affects the animals and 13 plants? 14 THE WITNESS: That is correct. 15 HEARING OFFICER TEXEL: Okay. 16 Okay. 17 BOARD MEMBER MOEN: Maybe 18 another way to ask the question is, would 19 there -- there would be a time where you would 20 have to say, no, we can't provide surface water 21 irrigation because we used it to generate 22 power? 23 THE WITNESS: No. 24 BOARD MEMBER MOEN: Okay. 25 HEARING OFFICER TEXEL: I think</p>	<p style="text-align: right;">Page 115</p> <p>1 we're done with our questions, Mr. Brashear. 2 MR. BRASHEAR: No. Okay. Thank 3 you, Mr. -- Mr. Texel. 4 BY MR. BRASHEAR: 5 Q. Mr. Rowe, I want to return to Exhibit 6 42 that's before you, which was being discussed 7 before the break. You have that in front of 8 you; is that correct? 9 A. That is correct. 10 Q. You were testifying before the break 11 that there are times when Central directors 12 cannot vote on certain matters; is that 13 correct? 14 A. That is correct. 15 Q. And you referred to an Accountability 16 and Disclosure Commission, I believe, in your 17 testimony. Were you referring to Exhibit 42? 18 A. I was, yes. 19 Q. Are you familiar with this exhibit? 20 A. A few years ago, I was. It's been a 21 while since I've read it. 22 Q. And what is -- I'm not trying to give 23 you an interpretation, but what -- can you 24 again state what is your interpretation or 25 understanding of what this opinion -- how that</p>

<p style="text-align: right;">Page 116</p> <p>1 governs Central's board when it considers 2 matters related to irrigation? 3 A. So if you are an irrigation customer 4 of Central, you do not have the ability to vote 5 on any irrigation matters, anything pertaining 6 to irrigation. 7 Q. And -- 8 BOARD MEMBER HUTCHISON: I have 9 a followup question to that last statement. 10 Did irrigation customers of Central vote 11 on this petition amendment -- or the -- the -- 12 yeah, the -- 13 HEARING OFFICER TEXEL: Advisory 14 opinion? 15 BOARD MEMBER HUTCHISON: No, no, 16 the -- the core -- the governing document of 17 the district. 18 HEARING OFFICER TEXEL: The 19 charter? 20 BOARD MEMBER HUTCHISON: The 21 charter, charter amendment. 22 THE WITNESS: The charter 23 amendment, yes. It doesn't affect directly. 24 BOARD MEMBER HUTCHISON: Okay. 25 BY MR. BRASHEAR:</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. And, Mr. Rowe, I'd have you turn to 2 page 7 of that opinion, if you would. 3 Are you on page 7? 4 A. I am. 5 Q. Do you see the section entitled 6 summary? 7 A. Yes. 8 Q. Could you just read that first -- or, 9 I'm sorry, could you read the first and second 10 paragraphs, please, there? 11 A. "Central's board members without 12 contracts with Central leases or Water Service 13 Agreements may participate in discussions and 14 vote on all issues relative to Central's 15 standard form leases and standard form Water 16 Service Agreements. However, board members who 17 have present or proposed leases may not 18 participate in discussions and voting on 19 standard form leases. The board members who 20 have present or prospective -- prospective 21 Water Service Agreements with the district may 22 not participate in discussions and voting on 23 standard form water lease agreements." 24 Q. And if you could read that next 25 sentence as well?</p>
<p style="text-align: right;">Page 118</p> <p>1 HEARING OFFICER TEXEL: Just 2 before you start, I believe one -- it wasn't 3 verbatim because there was one you said 4 proposed leases, and it was prospective leases. 5 I don't know -- 6 THE WITNESS: Excuse me. 7 HEARING OFFICER TEXEL: -- if 8 that matters. But I just wanted to correct 9 that so it's a verbatim reading what's in here. 10 THE WITNESS: Thank you. 11 HEARING OFFICER TEXEL: Sorry. 12 Please go on. 13 BY MR. BRASHEAR: 14 Q. Would you please read the next 15 sentence as well? 16 A. "Actions and discussions by Central 17 board members with respect to standard form 18 leases and standard form Water Service 19 Agreements are distinguishable from the effects 20 of such actions on public generally or board 21 segment in the public." 22 Q. And I'll preempt Mr. Texel and -- the 23 third word there, you said "discussions," I 24 believe. But you would agree it's "actions and 25 decisions" in that sentence you just read?</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Yeah, I am a college grad. 2 HEARING OFFICER TEXEL: Okay. 3 And I wanted to say, too, you just read, "the 4 public generally or a board segment." Broad 5 segment? 6 THE WITNESS: A broad segment, 7 yes. 8 HEARING OFFICER TEXEL: I'm 9 sorry. I'm not -- 10 THE WITNESS: Wow. 11 HEARING OFFICER TEXEL: -- trying 12 to embarrass anybody. It's easy to misread. 13 So I just wanted to point that out so we have a 14 verbatim reading in the record. 15 THE WITNESS: Thank you. 16 BY MR. BRASHEAR: 17 Q. And so it's that summary that you're 18 referring to when you say -- the positions in 19 that summary are what you were referring to 20 when you say irrigators -- water surface 21 irrigator customers of Central can -- on the 22 board cannot vote on those matters? 23 A. That is exactly right. 24 Q. Do you know how many water service 25 irrigation customers of Central are on the</p>

Page 120

1 board of directors today?
2 A. Currently, I believe there are six.
3 Q. And so on matters covered by the
4 scope of this opinion, those six do not vote on
5 those matters; is that your testimony?
6 A. That is correct.
7 Q. I believe you indicated earlier you
8 said there were matters you don't vote on. Is
9 that because of this same opinion?
10 A. That is correct.
11 Q. Are you a water service customer of
12 Central?
13 A. I am not.
14 Q. So are you covered by the lease
15 provision of this opinion?
16 A. That's where I fit in, yes.
17 Q. And what lease does that refer to?
18 A. The Johnson Lake cabin lease.
19 Q. Okay. So you're -- you have a lease
20 with Central in that way?
21 A. I do.
22 Q. Okay. Is -- what is -- when you
23 refer to Johnson Lake, can you -- just what is
24 that?
25 A. Johnson Lake is one of the reservoirs

Page 122

1 A. With Central, yes.
2 Q. Thank you.
3 Mr. Rowe, there's -- you talked earlier
4 about your engagement with constituents and
5 conversations with constituents. Are you
6 familiar with the objections or issues that the
7 Protestants have raised regarding the merger?
8 A. Yes, I am.
9 Q. And what would you view as the issues
10 that they've raised, as you understand it?
11 A. Control of water, representation.
12 Q. And is it a -- are those issues that
13 you had considered before they were raised by
14 the Protestants?
15 A. Absolutely.
16 Q. And why would you have considered
17 those?
18 A. Why? I think that they -- those
19 issues were just part of what we knew was
20 coming.
21 Q. And who do you mean by we?
22 A. The board. They -- there's some
23 strong personalities that really were wanting
24 it their way. And we knew that we'd have a
25 battle on our hands and we needed to represent

Page 121

1 that are owned by Central. There's
2 approximately 850 cabins around the lake.
3 They're just another segment of Central
4 customers, direct customers that we are in
5 charge of.
6 Q. I believe -- thank you.
7 I believe you indicated a moment ago that
8 there are six surface water irrigation
9 customers serving on the Central board today?
10 A. I believe that is the right number,
11 yes.
12 Q. And you are not one of those six; is
13 that correct?
14 A. I am not one of those six.
15 Q. How many members of the Central board
16 today are involved or are irrigators, whether
17 surface water or groundwater?
18 A. There are 10 out of the 12 are
19 irrigators of some kind.
20 Q. But -- but not all are Central
21 customers?
22 A. No. Only those six are Central
23 customers.
24 Q. Because they have surface water
25 contracts?

Page 123

1 all -- all people that the district serves, not
2 just the surface water irrigators, that -- the
3 few that are objecting.
4 Q. Mr. Rowe, I'd like to refer you to
5 Exhibit 44.
6 Mr. Rowe, what is Exhibit 44? What is it
7 captioned as?
8 A. Plan of Consolidation, Schedule G.
9 MS. KREIFELS: Might have marked
10 it backwards.
11 THE WITNESS: Reserve funds?
12 MS. KREIFELS: Yes.
13 MR. BRASHEAR: Check the order.
14 MS. KREIFELS: I think the
15 sticker got put on the wrong page.
16 THE WITNESS: This is a
17 different one.
18 MR. DEGAN: Counsel, Plan of
19 Consolidation, is that --
20 MR. BRASHEAR: Yes.
21 MR. JARECKE: Yes.
22 MR. BRASHEAR: The entire.
23 MR. DEGAN: You only get three
24 pages.
25 MS. KREIFELS: Hold on.

Page 124

1 THE WITNESS: All right.
2 MS. KREIFELS: Yeah, it just
3 got -- the sticker got put on the back instead
4 of the front.
5 THE WITNESS: Okay.
6 MS. KREIFELS: There you go.
7 A. Plan of Consolidation.
8 BY MR. BRASHEAR:
9 Q. Are you familiar with this document,
10 Mr. Rowe?
11 A. I am.
12 Q. And is --
13 HEARING OFFICER TEXEL: I'm
14 going to interrupt for just a moment,
15 Mr. Brashear.
16 You said Schedule G. Is Schedule G part
17 of the Plan of Consolidation?
18 It sounded like you referred to the Plan
19 of Consolidation being Schedule G. If I read
20 it right, Schedule G is the last page of the
21 Plan of Consolidation?
22 THE WITNESS: That is correct.
23 I had it upside down. The sticker was on the
24 wrong page.
25 HEARING OFFICER TEXEL: Okay.

Page 126

1 A. This is the document that Dawson
2 is -- becomes -- Central acquires Dawson.
3 Q. And would you understand this to set
4 forth terms that had to be negotiated for
5 Central and Dawson to consider the merger?
6 A. We needed some guidelines. We needed
7 a -- some sort of chart to take us down the
8 path that we were going to go down.
9 We needed to have both Dawson and Central
10 agree on a set of predesignated rules and how
11 this was going to be.
12 Q. And would you have felt comfortable
13 as a Central director voting on a potential
14 merger if you hadn't had the Plan of
15 Consolidation?
16 A. Wouldn't consider it.
17 Q. Why was this important to you in your
18 consideration?
19 A. Because we needed an outline, a
20 draft, a direction that we as the two boards
21 were going to go toward. We needed a set of
22 ground rules that this is how it's going to
23 happen.
24 Q. Was it important to you that the
25 Dawson board approve this Plan of Consolidation

Page 125

1 That's what you were saying about the sticker?
2 MS. KREIFELS: Yeah.
3 HEARING OFFICER TEXEL: I'm
4 sorry. I just -- I wanted to clarify that so I
5 knew.
6 And is this -- if you know, maybe counsel
7 knows, is this the same document that's
8 attached as one of the exhibits to the petition
9 that Central filed?
10 MR. BRASHEAR: Correct.
11 HEARING OFFICER TEXEL: Okay.
12 And this one's in black and white. The one
13 attached to the petition is in color for --
14 only important to the maps --
15 MR. BRASHEAR: Correct.
16 HEARING OFFICER TEXEL: -- of
17 the subdivisions. Maybe that doesn't matter
18 today but -- all right. Just wanted to clarify
19 that. Thank you.
20 MR. BRASHEAR: Correct.
21 BY MR. BRASHEAR:
22 Q. Mr. Rowe, so you've seen this
23 document before?
24 A. That is correct.
25 Q. And what do you understand it to be?

Page 127

1 as well?
2 A. Absolutely.
3 Q. Why would that be important to you?
4 A. Because they were relinquishing
5 what -- they needed to understand where we
6 were -- that we were all on the same page,
7 going the same direction when we agreed on the
8 same outline of what we were to be.
9 Q. You were asked earlier about the
10 potential for conflict between demands for
11 delivery of irrigation water and power. Do you
12 remember that question from the board members?
13 A. Okay.
14 Q. Do you recall that question?
15 A. Yes.
16 Q. After -- assuming for purposes of
17 this question that the board approves the
18 amendments and Platte River Public Power and
19 Irrigation District exists, do you -- do you
20 expect there to be conflict between the
21 delivery of surface irrigation water -- let me
22 back up one second.
23 Will you be a director of Platte River
24 Public Power and Irrigation District?
25 A. I will be a director.

Page 128

1 Q. And would it be your opinion or do
2 you expect there to be conflicts for Platte
3 River as a presumed director between demands
4 for delivery of irrigation water and power
5 generation?
6 A. Absolutely not.
7 We went into the discussion that water
8 trumps power, so we're all on that page. We --
9 like I said before, this is innate with us.
10 Q. And when you say we in that sentence,
11 who do you mean?
12 A. I'm referring to our board. And so
13 as we have discussions and as we consolidate
14 with Dawson, they are 100 percent on our page.
15 Q. So you believe Dawson share -- Dawson
16 board members share that view as well?
17 A. Absolutely. That was -- that was the
18 premise of everything that we have done.
19 Q. Mr. Rowe, do you believe that this
20 transaction -- I'll refer to everything before
21 us today that's led up to this, do you believe
22 that this -- this consolidation transaction
23 between Central and Dawson has been studied
24 sufficiently?
25 A. Absolutely.

Page 130

1 with the general manager, work with his staff;
2 develop agendas and try to give guidance.
3 Like I said earlier, as president, you
4 know, my board came to me and said, hey, we
5 have got to look to the future, we cannot be
6 stagnant, we have to move forward or who knows
7 where this district might go or not be.
8 And so I believe this is in the best
9 interest of the district and everyone within
10 the district. And if I didn't believe that, I
11 would not be sitting here today.
12 Q. Mr. Rowe, at the conclusion of Phase
13 1, did you vote to move to Phase 2?
14 A. I did.
15 Q. At the conclusion of Phase 2, did you
16 vote to move to Phase 3?
17 A. I did.
18 Q. At the conclusion of Phase 3, did you
19 vote to move to Phase 4?
20 A. I did.
21 Q. At the meeting at the end of Phase 4
22 to approve the Plan of Consolidation and the
23 filing of the petition, did you vote in favor
24 of those resolutions?
25 A. I did.

Page 129

1 Q. Why do you say that?
2 A. We've been doing this for 2-1/2
3 years. We've beat the dead cat.
4 We have went through consultants. We've
5 asked questions. We've had open houses. We've
6 did everything in our powers to, you know,
7 answer the questions, be transparent, set a
8 path forward.
9 We believe that we have checked every box
10 several times. And I'm very excited about it.
11 Q. Mr. Rowe, what would you -- as a
12 director of Central, what do you view as your
13 duty?
14 A. My duty? To make sure we stick with
15 the mission statement. My duty is -- as a
16 director or as president?
17 Q. As director.
18 A. As a director, I have constituents,
19 and I need to answer to them, and I need to do
20 what's best for the district in light of my
21 constituents and the constituents of the area.
22 Q. Would you view any additional duties
23 that exist for you as president?
24 A. Well, as president, I listen to
25 everyone, including my board, our board; work

Page 131

1 Q. Mr. Rowe, do you believe that this
2 merger is in the best interest of Central?
3 A. I do.
4 Q. And why do you say that, sir?
5 A. It's a path to the future. The
6 world's changing. And we have to keep up with
7 it.
8 I do believe that if we're not moving
9 forward, we're moving backwards.
10 This is excellent for the area. This is
11 excellent for future economic development.
12 This is excellent for relationships with other
13 water entities so we can secure water
14 deliveries in the future.
15 I believe that with this merger, we'll
16 have a bigger footprint -- same -- you know,
17 within reason of the same size of footprint but
18 a much heavier footprint and maybe have --
19 continue to build relationships and store more
20 water in McConaughy. So it helps all of
21 Nebraska.
22 MR. BRASHEAR: I have no further
23 questions.
24 HEARING OFFICER TEXEL: All
25 right. Mr. Degan, cross?

Page 132

1 MR. DEGAN: Yeah. Thank you.
2 CROSS-EXAMINATION
3 BY MR. DEGAN:
4 Q. Mr. Rowe, before we set aside the
5 consolidation plan, you testified that it was
6 important for the current board to make sure
7 that Dawson was on the same page. Do you
8 recall that testimony?
9 A. Yes.
10 Q. Okay. Because you stated that your
11 board's primary interests are the water users;
12 right?
13 A. Sure.
14 Q. Okay. So that was important to you;
15 correct?
16 A. Absolutely.
17 Q. All right. And you entered into this
18 consolidation plan; is that right?
19 A. That is correct.
20 Q. Do you have an understanding as to
21 whether that document in front of you will bind
22 the future board, the consolidated entity?
23 A. The word bind I think is rather
24 restrictive. I think it's important for a
25 future board to develop themselves.

Page 134

1 implemented in the future?
2 A. Absolutely.
3 Q. That's your belief?
4 A. That's my belief, absolutely.
5 Q. Okay. But as you pointed out, at
6 that time, now half the board will be former
7 Central directors, and the other half of the
8 board will be former Dawson directors; correct?
9 A. Sure.
10 Q. And you're -- okay. So -- and I want
11 to clarify, there was a question from counsel
12 as to what I stated in open. So -- so let me
13 clarify by asking you this question, would you
14 agree that currently Central's -- the entirety
15 of Central's board is chosen from persons who
16 have an interest in the use of the water?
17 A. Define the use of water.
18 Q. Use of water, the allocation and the
19 management of the water in Central's irrigation
20 system.
21 A. Are they elected by the people who
22 use water? I would say yes.
23 Q. Well, you agree with me that the
24 hydro units were constructed in order to
25 provide a revenue source to supplement the

Page 133

1 This is a guideline. This is something
2 that -- these are the ground rules.
3 Q. Okay. But would you agree that if
4 this consolidation is approved and the
5 amendments to the charter are allowed to go
6 forward, a new board will have to be
7 constituted; isn't that right?
8 A. That is true.
9 Q. And they will have to implement their
10 own bylaws; correct?
11 A. The new board will be all of the
12 board members from both boards, and so those
13 bylaws will be developed between the two
14 boards.
15 It will be a 23-member board, and
16 systematically over time as their terms run
17 out -- I believe alphabetically, the board will
18 get down to the size that we have talked about.
19 Q. Okay. So those bylaws will be
20 created in the future; would you agree with
21 that?
22 A. Yes, yes.
23 Q. Okay. And I take it, it is your
24 intention and your opinion that the things that
25 are in the consolidation plan will be

Page 135

1 costs of maintaining the irrigation system?
2 A. Yes.
3 Q. And does this board hold any
4 obligations to anybody other than persons who
5 use the water, whether it's for recreational
6 purposes, whether it's for surface water
7 irrigation, whether it's for groundwater
8 irrigation, whether it's for environmental
9 purposes?
10 A. All of those.
11 Q. It's all of those. But they're all
12 related to water; right?
13 A. And we all drink water, yes.
14 Q. Okay. But when the new board is
15 constituted, half the board is going to come
16 from a background of supporting water use, and
17 the other half will come from a background of
18 delivering low-cost power to retail customers.
19 Do you agree with that?
20 A. No.
21 Q. You don't?
22 A. No. I would -- I would agree that
23 that has been their -- the board they sit on.
24 But many of those Dawson members are irrigators
25 themselves. They are farmers.

Page 136

1 Q. Okay. Let's talk about that.
2 So you will agree with me that the vast
3 majority of Central's surface water irrigators
4 are in the Tri County area?
5 A. The majority. I think there -- I
6 believe there's 5,000 acres that are in Dawson
7 and Lincoln County.
8 Q. Okay. But when -- just for
9 clarification for the board, when we talk about
10 Tri County, we're talking about Phelps, Gosper
11 and Kearney; correct?
12 A. Those are charter counties.
13 Q. Those are charter counties; correct?
14 A. Yes.
15 Q. And that's where the majority of your
16 surface water irrigates -- irrigators reside?
17 A. Majority of surface water irrigators,
18 Central's, yes.
19 Q. Okay. What percentage of the -- your
20 surface water irrigators in Gosper County
21 receive their power from Dawson?
22 A. That's a lot. And I don't know how
23 many. I -- that would be probably a question
24 for the Dawson side.
25 Q. Okay. It's less than 50 percent,

Page 138

1 cost electricity. Do you recall when you
2 testified to that?
3 A. Yep.
4 Q. But would you agree with me that to
5 the extent that those surface water -- those
6 groundwater irrigators live in counties that
7 aren't served by Dawson, there's no benefit?
8 A. I don't agree with that at all.
9 Q. Well, how so?
10 A. I believe that we will probably have
11 a more stable water supply.
12 I believe that we won't have to worry
13 about the income so that we can take care of
14 the structures that are in all of the counties.
15 I also believe that this is -- this --
16 this is everyone's water, not just the folks in
17 those three counties.
18 I think this is a public entity. I
19 believe that everyone should have a piece of
20 it. I think everyone should have a voice. And
21 I don't believe that I agree with the premise
22 that you are making.
23 Q. Well, I understand the position that
24 the surface water irrigators are not the only
25 interested party in Central's water.

Page 137

1 isn't it?
2 A. I can't answer that.
3 Q. Okay. Well, there -- there are no
4 Dawson customers in Kearney or Phelps, are
5 there?
6 A. To my knowledge, in those counties,
7 no.
8 I do believe that many people in those
9 counties have contracts with Dawson.
10 Q. Well, but they're not electricity
11 customers?
12 A. Well, they would be electricity
13 customers. I mean, there's many people that
14 have farm ground that Dawson supplies power to.
15 Q. Aren't those counties in Southern's
16 service territory?
17 A. The two counties you're referencing,
18 yes.
19 But I'm saying that there are customers --
20 there are people who live in those counties who
21 have Dawson Power in other counties.
22 Q. Okay. But you were talking about an
23 additional ancillary benefit of this
24 consolidation would come from the fact that
25 groundwater irrigators would benefit from lower

Page 139

1 But is it your testimony that you don't
2 owe a heightened duty to your ratepayers?
3 A. I'm not sure what you mean by a
4 heightened duty.
5 I believe that we have them in absolute
6 front, forefront of our minds. I believe that
7 ratepayers are extremely important.
8 But I also would argue that the folks at
9 McConaughy are important. Fish and Wildlife is
10 important. The people who are benefiting from
11 the mound are important.
12 And I would also say that the people on
13 the north side of the river are not evil
14 people. We think just like the folks on the
15 south side of the river. We're all in this
16 together.
17 And, honestly, if we don't hold hands,
18 someone's going to take it away from all of us.
19 And I believe that we need to be a stronger
20 entity. We need to move forward. We need to
21 work with each other. And this is -- this is a
22 good thing.
23 Q. Who would take the water away from
24 Central?
25 A. I don't know. You tell me. I

Page 140

1 believe if we have local control, we have local
2 control.
3 I mean, I can't say that -- Central's a
4 pretty small entity. And the State of Nebraska
5 wants to do it, maybe Columbus wants to do it,
6 maybe federal government wants to do it. I
7 don't know. But I do think we need to hold
8 hands.
9 And this -- this merged entity will make
10 the district a lot stronger district.
11 Q. Okay. I just want to touch on a
12 couple of the benefits that you testified to of
13 the consolidation. One was local control?
14 A. Yes.
15 Q. But you have that now, don't you?
16 A. Yeah, probably not equal local
17 control.
18 As you said, the majority of the votes
19 come from three counties. And this district
20 stretches from Keith County, Dawson County,
21 Lincoln County and Phelps, Gosper and Kearney.
22 Q. But there's nobody outside the
23 chartered territory that has a seat on your
24 board other than Keith?
25 A. No.

Page 142

1 Q. But I'm confused by that answer
2 because a moment ago, you agreed with me that
3 the hydro units were built to provide revenue
4 streams to offset the costs of operating the
5 irrigation system; correct?
6 A. Absolutely.
7 Q. So what difference does it make as to
8 whether you're going to sell -- where you sell
9 that power other than just maximizing the best
10 return you can get?
11 A. Well, that's probably exactly what
12 we're talking about here is maximizing the best
13 return we can get. And that would be
14 vertically integrated.
15 Q. But Central's never done that in the
16 80 years that it's been in existence; right?
17 A. No. I don't think that's true.
18 Central had transmission lines to Omaha or
19 Beatrice. They were a part of another power
20 plant.
21 I think the original Central was --
22 they're -- they were involved in this way back
23 in the day.
24 Q. As far as the three hydro units are
25 concerned, certainly during your tenure on the

Page 141

1 Q. I don't believe Keith --
2 A. Dawson is not chartered.
3 Lincoln is not chartered.
4 Keith is not chartered.
5 Only the three, Phelps, Gosper and Kearney
6 County are chartered counties.
7 Q. But you have local control as you sit
8 here right now?
9 A. We do.
10 Q. Over the -- over the existing
11 chartered territory that Central has; right?
12 A. I would agree with that.
13 Q. Okay. The other benefit that you
14 cited is local ownership of generation?
15 A. Yep.
16 Q. You have that now; right?
17 A. Local control of generation, I would
18 agree.
19 But we have no way to sell it or keep
20 it -- keep the monies within our area or our
21 region.
22 So Central has to sell wholesale. Dawson
23 buys retail and resells retail. And us as a
24 merged entity, we -- we are creating our own
25 power to sell.

Page 143

1 board, all of that energy has always been sold
2 pursuant to a Power Purchase Agreement;
3 correct?
4 A. It has, you're right, yes.
5 Q. All right. And would you agree with
6 me that under your Power Purchase Agreements,
7 you're allowed to take care of your irrigation
8 service needs first before you provide
9 hydropower requirements?
10 A. They go hand in hand.
11 Q. That's not my question.
12 Would you agree with me that you're not
13 obligated under your PPAs that you currently
14 have to deliver power if your irrigation and
15 water surface -- water usage needs aren't first
16 met?
17 A. Would you please say that again?
18 Q. Are you familiar with the terms of
19 your PPAs?
20 A. Sure.
21 Q. Okay. Is there not a provision in
22 that PPA that says you're not obligated to
23 deliver power if you need the water to serve
24 your irrigation purposes?
25 A. That is correct.

Page 144

1 Q. Okay. And they're not always hand in
2 hand. Would you agree with that, hydropower
3 releases and agricultural releases?
4 A. They're not always hand in hand? You
5 have Fish and Wildlife. And you have NPPD.
6 And you have the environmental flows. And they
7 all spin the wheel. And you don't irrigate in
8 those off-seasons, so I would agree with that.
9 Q. Okay. And that's where I was
10 getting. So let me parse that out for the
11 benefit of the board here because there's kind
12 of two issues.
13 One, there are other entities that have
14 rights to water that's stored in McConaughy;
15 would you agree with that?
16 A. That is correct.
17 Q. There's NPPD has -- has an interest;
18 correct?
19 A. That is correct.
20 Q. Pursuant to your FERC license,
21 Central entered into an agreement to provide
22 certain instream flow releases for the benefit
23 of wildlife?
24 A. That is correct.
25 Q. So there are already dibs taken on

Page 146

1 allocated to 6.7 inches. So the board was very
2 due diligent on trying to stretch out the water
3 supply as long as they possibly can.
4 The staff was fantastic. They had
5 projections and said, hey, hey, hey. And, you
6 know, this is -- this is why we're talking
7 about this potential merger is we don't want to
8 get in that situation again.
9 Q. Well, but this merger won't help with
10 dry periods. Dry periods are going to happen.
11 That's Mother Nature; right?
12 A. It will. But I believe that we will
13 have the ability to make some agreements with
14 other entities that will help store water in
15 McConaughy.
16 Q. But for the last 80 years, Central
17 has successfully managed its water resources
18 during wet years, during dry years, and you've
19 always been able to deliver to the satisfaction
20 of your users; would you agree?
21 A. No, I would not agree with that.
22 And, plus the world's changing.
23 That 6.7 was not fun for anyone. That's
24 inches delivered.
25 Q. But you can't deliver water you don't

Page 145

1 some of that water in McConaughy before you
2 even get to irrigators; would you agree with
3 that?
4 A. I would agree with that.
5 Q. Okay. And your Water Service
6 Agreements do not require Central to provide
7 any quantity of water; would you agree with
8 that?
9 A. They not require us to deliver
10 irrigation water? I guess I would agree with
11 that.
12 That's -- but that's not the premise of
13 the whole district. But I suppose technically,
14 yes.
15 Q. Okay. And I want to be fair.
16 Certainly it is your goal and your purpose that
17 you want to deliver water, and historically you
18 have; correct?
19 A. We always have, absolutely.
20 Q. Okay. But I just want to clarify,
21 there's a clause in your Water Service
22 Agreements that say if for whatever reason you
23 don't deliver, tough luck to the irrigator?
24 A. And I think I mentioned that earlier.
25 We -- when McConaughy was extremely low, we

Page 147

1 have?
2 A. That's true.
3 Q. Okay.
4 HEARING OFFICER TEXEL: If I can
5 interrupt, when you mentioned the 6.7, what
6 exactly -- 6.7 inches in context does that
7 mean?
8 THE WITNESS: Typically a crop
9 requires 18 to 20 inches of water. And the
10 deliveries that Central makes were based on an
11 18-inch allocation. And in future years -- or
12 recent years, we've changed that to 13 inches
13 and knocked the price down so it
14 would incentivize customers not to use all of
15 their water but to save some back in
16 McConaughy.
17 So in those real dry years, we voted to
18 lower the allocations to 6.7 inches. And,
19 fortunately, Mother Nature was really good to
20 us.
21 HEARING OFFICER TEXEL: So the
22 6.7 is how much water you're -- 6.7 inches of
23 water on the crops?
24 THE WITNESS: That's exactly
25 right.

<p style="text-align: right;">Page 148</p> <p>1 HEARING OFFICER TEXEL: As 2 opposed to rain? 3 THE WITNESS: As opposed -- yes, 4 yes. 5 HEARING OFFICER TEXEL: Okay. I 6 just wanted to clarify that. 7 THE WITNESS: Yes. Sorry. Yes. 8 HEARING OFFICER TEXEL: No 9 apology needed. I just wanted to make sure for 10 the record it's clear what that meant. 11 Mr. Degan, sorry. 12 MR. DEGAN: No. 13 BY MR. DEGAN: 14 Q. Water management for Central entails 15 controlling whether you release water or 16 whether you store water; is that a fair 17 statement? 18 A. Yes. 19 Q. And you have several reservoirs. 20 It's not just McConaughy. It's Johnson. It's 21 Elwood. It's multiple facilities? 22 A. Sure. 23 Q. Okay. And would you agree with me 24 that strictly from an irrigator's perspective, 25 there reasonable -- there's in-season</p>	<p style="text-align: right;">Page 149</p> <p>1 variability, is there not? 2 A. In season? Sure. 3 Q. You could have a widespread storm 4 event or an extended period of rain, for 5 example? 6 A. Well, you could, other than it takes 7 10, 12 days to get water from McConaughy to 8 Phelps County. 9 Q. It's not instant, certainly? 10 A. Correct. 11 Q. But certainly there could be a 12 situation where there's an extremely wet June 13 that may impact the need for irrigation water 14 from a surface water irrigator's perspective? 15 A. We'd all hope for that. 16 Q. Right. That's a good problem to 17 have? 18 A. That's right. 19 Q. Okay. So there's -- there's 20 in-season variability. But there's also 21 seasonal -- seasonal variability that you 22 touched on; agreed? 23 A. Okay. Yes. 24 Q. Okay. Surface water irrigators don't 25 need water in the winter months; would you</p>
<p style="text-align: right;">Page 150</p> <p>1 agree? 2 A. Yes. 3 Q. And generally that's a period where 4 you store water in your reservoirs? 5 A. Presumably, in the spring, yes. 6 Q. Okay. For purposes of generating 7 hydroelectricity, though, don't you want those 8 hydros turning 12 months a year? 9 A. If you could, absolutely. But that's 10 not what we do. 11 Q. And I think what you're saying is 12 that when there's enough water, there's no 13 conflict. Can we agree on that? 14 A. I would agree on that. 15 But I also might state that there are 16 winter releases that have to take place in the 17 wintertime. So, you know, it's still spinning. 18 So I don't want to put off the -- the 19 pretense that the gates are shut and no water 20 comes out, period, because there's always 21 something flowing. 22 Q. You -- because you have obligations 23 to other parties that we've talked about; 24 correct? 25 A. Plus the North Platte flows through.</p>	<p style="text-align: right;">Page 151</p> <p>1 Q. Okay. But the problem comes in when 2 there's periods of scarcity and there's not 3 enough water to be able to satisfy the needs of 4 your irrigators; correct? 5 A. Sure. 6 Q. And it happens, does it not? 7 A. It has happened. 8 Q. You call that allocating water; 9 right? 10 A. That's what we did, yes. 11 Q. And I think there was a severe one in 12 around 2006? 13 A. I would agree, yes. 14 Q. And there was -- there was a drought 15 in -- just as recently as last year, was there 16 not? 17 A. It has been very dry. 18 Q. But you were able to get by without 19 having to allocate water; correct? 20 A. That's right. We've learned a lot 21 from the 2000s on how to handle water and how 22 to manage water. 23 Q. Okay. 24 A. So the staff of management has done a 25 fantastic job.</p>

Page 152

1 Q. When the water's not there, the
2 hydros aren't going to turn and you're not
3 going to generate the same amount of revenue;
4 correct?
5 A. Could have, would have, should have.
6 I don't know. Yeah, I suppose. I mean, that's
7 quite -- quite a grasp. But, yeah.
8 Q. So that does create some variability
9 in predicting your revenues from year to year?
10 A. I would agree with that.
11 Q. It's a function of two components?
12 A. Yep.
13 Q. The amount of water; correct?
14 A. Yep, yep.
15 Q. And the rate that you get for your
16 electricity; correct?
17 A. That's right.
18 Q. Okay. But you've been able to manage
19 that pretty darn well for 80 years, have you
20 not?
21 A. We've been very fortunate.
22 Power contracts are less than what they've
23 been. You know, that's the -- the idea behind
24 the merger is we get rid of those ebbs and
25 flows and we kind of level off our -- our

Page 154

1 would have a -- another piece of the --
2 HEARING OFFICER TEXEL: What's
3 this? When you say part of this?
4 THE WITNESS: I'm sorry, the
5 consolidation -- Plan of Consolidation.
6 A. We would have another piece of the
7 pie. And that's where it would go. And then
8 we would allocate out.
9 BY MR. DEGAN:
10 Q. Okay. So that's something that
11 you'll do in the future?
12 A. Well, yeah.
13 Q. Implement what's in the Plan of
14 Consolidation?
15 A. Yes, yes.
16 Q. Okay. But those provisions are not
17 in the charter; would you agree with that, the
18 proposed charter -- or the amended charter?
19 Excuse me.
20 A. I guess, yeah.
21 Q. Could have put them in the charter?
22 A. I think --
23 MR. JARECKE: I'm going to
24 object to that question because it calls for
25 legal conclusion.

Page 153

1 incomes and our expenses.
2 Q. So you had a -- this report prepared
3 by the PSE folks. And would you agree with me
4 there's a lot of information in here about the
5 finances of the two respective districts?
6 A. Yes, I would.
7 Q. There's a lot in here about the
8 administrative issues of tying the two
9 districts together?
10 A. Yes.
11 Q. We even get into a discussion in here
12 as to how you get the employee benefits and
13 employees consolidated?
14 A. Okay.
15 Q. And then there's an awful lot of
16 discussion in here about integrating Central's
17 hydro assets and Dawson's retail utility
18 system?
19 A. Okay.
20 Q. Okay. But there's practically
21 nothing in here about how you would manage this
22 combined entity for purposes of keeping
23 residential ratepayers' interests balanced
24 against the interests of water users?
25 A. I think that's part of this. We

Page 155

1 MR. DEGAN: Well, he can testify
2 as to what he understands.
3 HEARING OFFICER TEXEL: Did
4 legal counsel ever tell you the answer to that
5 question, whether you could put that into the
6 charter or not?
7 THE WITNESS: I think -- I don't
8 know if I can answer you that -- on that.
9 HEARING OFFICER TEXEL: Okay. I
10 think I'll sustain it. I think it calls for a
11 legal conclusion on that particular question,
12 if legal counsel didn't brief you on it and you
13 said you don't know, anyway, so --
14 BY MR. DEGAN:
15 Q. But you also testified that the
16 reason that Central didn't retain a water
17 consultant as part of this process was because
18 Central's got water experts?
19 A. Yes.
20 Q. Okay. But would you agree with me
21 that Central has experts in the production of
22 hydropower?
23 A. Yes.
24 Q. And Dawson has experts in the
25 delivery of retail power; correct?

Page 156

1 A. I would agree, yes.
2 Q. So I'm just having trouble
3 understanding why the two districts would feel
4 the need to get an expert to opine on the
5 consolidation of the electric assets despite
6 their respective expertises and, yet, wouldn't
7 turn around and do the same study and
8 information gathering on the water side?
9 A. Well, we needed an outside view. We
10 needed someone to say, hey, yeah, this will
11 work, this looks great, this is a direction you
12 guys should be looking, continue with your
13 conversations.
14 In terms of irrigation, these guys are
15 really something. They know irrigation.
16 They're the -- they're the people that people
17 go to when they want to know about irrigation.
18 Q. But they know power, too?
19 A. They know power. But that's much
20 more than just power. That is how do you
21 handle the people, how do you -- how would the
22 whole thing work together?
23 It's a bird's-eye view. It's a
24 30,000-foot view of the -- the districts put
25 together.

Page 158

1 You know, our staff and management,
2 they -- they're second to none. And they
3 handed them the information. And Dawson handed
4 the information. And this is what they came
5 out with.
6 And then we asked questions and tried to
7 poke holes in it. And I believe we did what we
8 could do.
9 Q. The respective boards met at least a
10 couple of times in joint sessions; correct?
11 A. Okay. Yes.
12 Q. Do you recall that?
13 A. Yes.
14 Q. All right. And so to be clear, that
15 was the entire board of Dawson and the entire
16 board of Central?
17 A. Okay.
18 Q. Did that happen?
19 A. Yes.
20 Q. And this was prior to the vote to
21 approve the consolidation plan; is that right?
22 A. Yes.
23 Q. In fairness, I believe one of them
24 was the meeting at which the consolidation plan
25 was actually approved?

Page 157

1 Q. Were you -- did you have an
2 understanding that PSE is primarily an electric
3 engineering firm?
4 A. Sure.
5 Q. They don't have any hydrological or
6 water use management experience whatsoever?
7 A. Okay.
8 Q. And were you aware that they had
9 never been involved in a prior merger between
10 an irrigation district and a retail utility?
11 A. We discussed what they had done. And
12 at the time, it seemed very legitimate. And I
13 can't remember what -- what that all entailed.
14 Q. But didn't that cause you some
15 concern that, gees, maybe there's something
16 out -- despite all of your experience and
17 dispute your team -- and I understand that you
18 have faith in your team, but the fact that the
19 consultant didn't -- did not have any
20 background in this type of a merger, didn't
21 that create for you a concern in the back of
22 your mind that, hey, we might be missing
23 something here that could really cause a
24 problem down the road?
25 A. No, I can't say that I did.

Page 159

1 A. Yes. But -- not approved. Was
2 distributed, was talked about.
3 Q. Okay. At one or both of those joint
4 sessions, did the boards convene into closed
5 session?
6 A. We convened into closed session at
7 one, at the very last joint meeting in Kearney,
8 which I don't know what the dates are.
9 Q. Okay. Well, when I asked you about
10 this in your deposition about whether the
11 closed session was members of both boards, you
12 were unsure?
13 A. I was unsure, yes.
14 Q. Have you looked at something that has
15 refreshed your recollection since then?
16 A. I believe you gave me a document that
17 talked about the potential -- economic
18 development potential. And we would have had
19 to go into closed session to sign that
20 agreement, the -- the NonDisclosure Agreement.
21 Q. And the NonDisclosure Agreement, this
22 was an agreement that would bind the directors
23 from not disclosing what transpired during that
24 closed session?
25 A. That's what closed sessions are for,

Page 160

1 yes.
2 Q. Have you ever had to sign a
3 NonDisclosure Agreement in connection with your
4 duties as a director of Central?
5 A. We've never had an economic
6 opportunity that was staring us in the face
7 before.
8 Q. Are you aware that Central has
9 refused to disclose the details of the
10 responses that they have received for -- to the
11 RFP for the PPAs?
12 A. I'm not sure I understand what you're
13 asking.
14 Q. All right. So I'll represent to you
15 we have sought to get the RFP responses,
16 meaning the folks that are interested in
17 potentially buying your power, and I will
18 represent to you that Central has declined to
19 produce that information on the grounds that
20 it's confidential.
21 I guess just my threshold question was,
22 were you aware of that?
23 A. Yes.
24 Q. Okay. And was that a board decision
25 not to share that information?

Page 162

1 its word for the representations that the
2 pricing that they're -- that they're seeing in
3 response to their RFP is lower than what
4 they're currently receiving under their
5 existing PPAs? We have to take that on face
6 value, do we not?
7 A. Sure. But that's our job. That's
8 why we were elected.
9 Q. Okay. But also the Power Review
10 Board will have to take the -- that assertion
11 based on face value from Central?
12 A. Okay.
13 Q. Because I will represent to you
14 there's nothing that will come into evidence
15 that indicates what that pricing information
16 actually is.
17 A. I really don't know how it pertains.
18 But, okay.
19 Q. Okay. Last issue, the -- was there a
20 vacancy on Central's board at the time that
21 this vote was taken?
22 A. There was.
23 Q. And which county was that
24 representative -- or director from?
25 A. That was Phelps County.

Page 161

1 A. It's a business decision. And it's
2 contract negotiations. So, yes, it would be in
3 the closed session. And that's when we discuss
4 it. And so, therefore, we wouldn't disclose
5 anything because it would be the internal
6 workings of the negotiations. So, no.
7 Q. Okay. But would you agree with me
8 that because we don't have the benefit of that
9 information, that the Protestants would have no
10 way of being able to validate what's being
11 represented as to the pricing information that
12 Central has received in response to its RFP?
13 A. I might say this, you know, we were
14 elected by our people to represent the board
15 and to do what we felt was right with the
16 board. And we can't be micromanaged.
17 There is no way that we can release that
18 type of information to our competition, their
19 competition. Those are interworkings. So we
20 can't do that.
21 Q. I understand. And I'm not trying to
22 argue with you over the decision. I just want
23 to make the point do you at least understand
24 that because we don't have the benefit of that
25 information, that we have to take Central at

Page 163

1 Q. Okay. So one of the Tri County areas
2 that are predominantly from surface water
3 irrigators; correct?
4 A. Yep, that's correct.
5 Q. And normally they should have three
6 directors from that county; correct?
7 A. That is correct.
8 Q. All right. What happened to the
9 prior director that opened that vacancy?
10 A. He passed away.
11 Q. Okay. When did he pass away?
12 A. Oh, probably a year before the new
13 vote for a six-year term was to come about.
14 Q. Okay. So approximately one year
15 before that seat would have been up for
16 election?
17 A. That is correct.
18 Q. Okay. Did -- why did the board not
19 seat a new -- a new director?
20 A. Because in the past, we had had a
21 director that was unable to come to meetings.
22 And we didn't reseat them.
23 This -- I felt that the public needed to
24 elect their representative. And that was their
25 duty. That was not our duty.

Page 164

1 Had this been a year into a six-year term,
2 that would have been a whole different
3 conversation.
4 I might add that that absent spot was an
5 automatic no vote in terms of the merger.
6 Q. Okay. But you'll agree with me that
7 it did deprive Gosper County of an additional
8 director who may have had a voice in the
9 discussion?
10 A. We would have seated that person.
11 And I -- just the -- for them to have got up to
12 speed on everything that the district is about
13 would have been virtually impossible. That's
14 why they're six-year terms.
15 Q. In a year's time, they couldn't have
16 got up to speed?
17 A. No way.
18 Q. Okay. But you do agree with me that
19 it did deprive Gosper County of one voice
20 during deliberations even if that was counted
21 as a no vote?
22 A. I don't know that I do agree with
23 you.
24 That person -- it wasn't fair for that
25 person, if we would have sat someone in there.

Page 166

1 MR. DEGAN: Okay. No further
2 questions. Thank you.
3 THE WITNESS: All right. Thank
4 you.
5 BOARD MEMBER GOTTSCHALK: I have
6 a question.
7 With respect to the PSE study that you
8 asked and made the -- Protestants asked about
9 the lack of water knowledge, to your knowledge,
10 are there other examples of this type of
11 merger? This seems like a fairly unique
12 merger.
13 THE WITNESS: I think there are.
14 I can't tell you off the top of my head. But I
15 believe they've happened in Nebraska.
16 Staff would know. And -- who they were.
17 I believe they were in northeast Nebraska.
18 BOARD MEMBER GOTTSCHALK: Okay.
19 HEARING OFFICER TEXEL: Is -- is
20 the board member talking about mergers of
21 public power districts?
22 BOARD MEMBER GOTTSCHALK: Yeah.
23 I'm not necessarily talking about the merger of
24 two public power districts. I mean, there have
25 been several of those. And I think we'll

Page 165

1 to try to figure out what was going on and with
2 the back history. So I don't agree with that.
3 Q. Do you have an understanding as to
4 whether the Nebraska Statutes require the board
5 to fill that vacancy?
6 A. It was my understanding that if that
7 was -- I'm president of the board. And that
8 was my choice. And it was my understanding
9 that that was -- could be protocol since we
10 were that close and it was a -- a general
11 election was coming up.
12 Q. Okay. So it was your choice; is that
13 right?
14 A. I'm the one who made the call, yes.
15 Q. Okay. Did it go to a vote? I mean,
16 was there a vote put to the greater board as to
17 whether or not to seat that vacant seat?
18 A. There was discussion. And everyone
19 agreed.
20 Q. But there was no vote?
21 A. There was no formal vote, no.
22 Q. And there's nothing in the minutes,
23 and there's no resolution; right?
24 A. There might be something in the
25 minutes. But no resolution, no.

Page 167

1 probably see more of those in the future.
2 But are there other examples of an
3 irrigation district merging with a public power
4 or an electric utility district, either in
5 Nebraska or otherwise, that there would have
6 been some experiential organization to do this
7 study?
8 THE WITNESS: We brought in a
9 director from a public power -- I'm sorry, a
10 general manager from a public power in the
11 northern part of the state who had done one of
12 those mergers and spoke to us about it.
13 BOARD MEMBER GOTTSCHALK: Okay.
14 HEARING OFFICER TEXEL: Was that
15 a merger between a public power irrigation
16 district and a public power or just two public
17 power districts?
18 THE WITNESS: I believe it was
19 an irrigation district and public power. It's
20 been a while back.
21 BOARD MEMBER GOTTSCHALK: Okay.
22 HEARING OFFICER TEXEL: Do you
23 know that for sure? Or --
24 MR. JARECKE: We can clarify.
25 HEARING OFFICER TEXEL: You can

Page 168

1 clarify with another witness?
2 MR. JARECKE: Yeah.
3 HEARING OFFICER TEXEL: I don't
4 want to -- I don't want to testify. But --
5 BOARD MEMBER REIDA: I have a
6 couple of questions.
7 Who are Devin Brundage and Gwen Kautz,
8 Kautz?
9 THE WITNESS: It's Gwen Kautz.
10 She's the general manager for Dawson Public
11 Power.
12 And Devin Brundage is the general manager
13 for Central Public Power.
14 BOARD MEMBER REIDA: And which
15 of them is going to manage the district
16 services division?
17 THE WITNESS: It will be a
18 co-management and, at a later date, decide what
19 direction the board would like to go.
20 BOARD MEMBER REIDA: What about
21 the distribution?
22 THE WITNESS: It will be under
23 the same umbrella. So that will be a joint
24 effort.
25 BOARD MEMBER REIDA: What about

Page 170

1 one of them ultimately be responsible for
2 distribution and the other one be responsible
3 for production?
4 THE WITNESS: I can't answer
5 that. I guess it would be a board decision at
6 that time.
7 BOARD MEMBER REIDA: Would you
8 view that as having quite a conflict of
9 interest between the two?
10 THE WITNESS: No, I wouldn't. I
11 think that's the glorious part of this -- this
12 potential merger is that there would be no
13 conflict because it would all be in house. It
14 would be --
15 BOARD MEMBER REIDA: I guess
16 what I was thinking of, when they come before
17 the board and tell them about all the wonderful
18 things they've done in their division, that
19 potentially could there be a conflict between
20 the two divisions?
21 THE WITNESS: Well, I hope not.
22 I don't believe there would be. I believe that
23 everybody would be rowing in the same
24 direction, and so they -- it would be for the
25 betterment of the company.

Page 169

1 the production?
2 THE WITNESS: That would be the
3 same. So --
4 BOARD MEMBER REIDA: You --
5 you're going to have two general managers with
6 equal authority?
7 THE WITNESS: That's, I believe,
8 the way the boards have thought that they would
9 run forward. And as we phase things out and we
10 learn about each other's operations and then we
11 would go from there.
12 BOARD MEMBER REIDA: What would
13 "go from there" mean?
14 THE WITNESS: We would decide
15 which general manager we would have or, if we
16 wanted a new general manager, it would be a
17 board decision at that point in time.
18 BOARD MEMBER REIDA: So could
19 you have one of them on the distribution and
20 one of them on the production?
21 THE WITNESS: I think they would
22 have the knowledge from their arena to bring to
23 the board -- the boards, and so we would learn
24 about each other through their experience.
25 BOARD MEMBER REIDA: But would

Page 171

1 BOARD MEMBER REIDA: Okay. My
2 other question is, I'm looking at your
3 consolidation. You had indicated that you
4 would not have gone forward unless you had this
5 document because it was your guiding principle?
6 THE WITNESS: Yes.
7 BOARD MEMBER REIDA: My
8 understanding is recitals in a contract are not
9 binding, they're just -- they're not part of
10 the contract like all your whereases.
11 THE WITNESS: Okay.
12 BOARD MEMBER REIDA: So when I'm
13 looking at the Consolidation Agreement, where
14 exactly was the water set out that would make
15 you feel comfortable with -- and obviously the
16 Protestants, where should they feel comfortable
17 in looking at this document?
18 THE WITNESS: Well, I don't know
19 that I can answer you without looking at the
20 document and reading it again.
21 BOARD MEMBER REIDA: Do you have
22 it in front of you?
23 THE WITNESS: I do.
24 BOARD MEMBER REIDA: Why don't
25 you read it? Because I'm -- I'm -- if I'm a

Page 172

1 Protestant, I'm concerned about water, where in
2 this document should I have -- find comfort?
3 THE WITNESS: Well --
4 HEARING OFFICER TEXEL: If I
5 could interrupt, Chairman Reida, given the hour
6 and you just asked him to read the document,
7 which is -- I'm not sure how many pages --
8 would we want to give him a chance to read that
9 and come back after lunch and have him --
10 because, otherwise, we're going to take a long
11 pause for him to read through that document.
12 BOARD MEMBER REIDA: I assumed
13 that he would be familiar with the document.
14 THE WITNESS: Well, I've read
15 the document. It's been a while since I've
16 done it.
17 I don't -- I can't answer you. I just
18 know that that's what Central does is we are
19 about irrigation and water. And as we go
20 forward, that is part of the reason that we
21 would have a 23-member board and Central would
22 still be involved.
23 BOARD MEMBER REIDA: Okay.
24 Maybe we should do what Tim suggested, over the
25 lunch hour, if you want to review that document

Page 174

1 they have some questions, too. Is this a good
2 time for a break for lunch?
3 BOARD MEMBER REIDA: I'd be okay
4 with that. What does everybody else think?
5 BOARD MEMBER GOTTSCHALK: That's
6 fine.
7 BOARD MEMBER HUTCHISON: That's
8 fine.
9 HEARING OFFICER TEXEL: So they
10 said it's fine.
11 Ms. Peck, are you okay with that?
12 She's nodding yes.
13 Okay. So we will take approximately an
14 hour. It's closing in on 12:15. Our target
15 will be 1:15 to restart.
16 So for planning purposes for the public,
17 about 1:15 to be back, give or take.
18 And Mr. Rowe can read through that
19 document. And then there will be some
20 questions on that.
21 And with that, we will be in recess.
22 (12:12 p.m. - Recess taken.)
23
24
25

Page 173

1 because I think that if you could point to
2 where the water rights that are being
3 protected, that that would, you know, give
4 maybe some solace to those who are objecting.
5 So I agree with Tim, why don't you get a
6 chance to read your document over the lunch
7 hour, and then you can respond.
8 THE WITNESS: Okay. Thank you.
9 BOARD MEMBER REIDA: You're
10 welcome.
11 BOARD MEMBER HUTCHISON: I have
12 questions. We're obviously going to break.
13 And this witness is coming back. So I think
14 it's up to everybody whether we want to
15 continue with this witness after lunch, and I
16 have a series of questions.
17 HEARING OFFICER TEXEL: So,
18 Mr. Chair? Mr. Reida?
19 BOARD MEMBER REIDA: Yes?
20 HEARING OFFICER TEXEL: So as
21 chair, it's 12 -- just after 12:10. Do you
22 want to break at this point, Mr. Rowe can read
23 through the Plan of Consolidation, we can come
24 back to this witness?
25 I know the other board members indicated

Page 175

1 (At 1:20 p.m., with parties present as
2 before, the following proceedings were had:)
3 HEARING OFFICER TEXEL: We'll
4 reconvene this -- reconvene this hearing.
5 And I believe we were at the board members
6 having some questions for this witness.
7 Were you going to say something?
8 MR. BRASHEAR: No. I was -- and
9 I will have a couple followup questions as
10 well. But board first.
11 HEARING OFFICER TEXEL: Okay.
12 Okay.
13 MR. BRASHEAR: Sure.
14 HEARING OFFICER TEXEL: So I --
15 BOARD MEMBER HUTCHISON: Can I
16 have a question first?
17 HEARING OFFICER TEXEL: Okay.
18 So, Mr. Chair, I believe you had a question for
19 this witness, based on the document he's had a
20 chance to read now?
21 BOARD MEMBER REIDA: Yeah, the
22 document, the consolidation agreement where you
23 find where the water rights are being -- where
24 those are protected, issues with water rights,
25 where they should find that addressed in the

<p style="text-align: right;">Page 176</p> <p>1 consolidation agreement. 2 THE WITNESS: I would point you 3 to No. 3, the purpose on page 2, and -- "The 4 primary purpose of PRPPID shall be to at a 5 low -- at as low an overall cost as possible 6 deliver -- deliver surface irrigation, 7 distribute electrical power and operate hydro 8 facilities to generate -- generate electrical 9 power for wholesale and retail distribution. 10 The secondary purpose of PRPPID shall be to 11 recharge groundwater, enhance the environment, 12 provide recreational opportunities and 13 facilitate economic development." 14 And then I would also point you to No. 6, 15 governing documents, "On the consolidation 16 date, the charter, as amended, concurrent here 17 within -- with by -- and bylaws of Central 18 shall be the charter and the bylaws of PRPPID 19 and the rules, regulations and policies of 20 Central with regard to the delivery of surface 21 water irrigation, operations of hydropower 22 facilities and distribution of wholesale 23 electrical power and the rules, regulations and 24 policies of Dawson with regard to distribution 25 of retail electrical power, be these rules,</p>	<p style="text-align: right;">Page 177</p> <p>1 regulations and policies on said subjects on 2 PRPPID." 3 BOARD MEMBER REIDA: So there's 4 not any superiority, just that you're merging 5 the two together? 6 THE WITNESS: We're merging the 7 two together. But I would note that on day 8 one, there will be 12 Central directors, and 9 there will be 11 Dawson directors. And on day 10 one, their governing rules move forward. 11 BOARD MEMBER REIDA: So what if 12 there's a conflict between the two? 13 THE WITNESS: Well, I guess I 14 would say, like any board meeting, you'd work 15 it out. 16 BOARD MEMBER REIDA: Yeah, I 17 guess -- and that was what my question was when 18 you have two general managers who are on equal 19 ground, how do you know who's in charge? 20 THE WITNESS: Well, I would also 21 say we'll have to work that out. 22 BOARD MEMBER REIDA: So if there 23 was an issue, they would have to come to the 24 board for an operational -- daily operational 25 issue?</p>
<p style="text-align: right;">Page 178</p> <p>1 THE WITNESS: Yeah, they 2 definitely could. 3 BOARD MEMBER REIDA: Is that 4 what you're expecting, that on a daily 5 operational basis, they have to address the 6 board to make decisions? 7 THE WITNESS: No, I don't expect 8 that. 9 I would think that they are -- Dawson will 10 run Dawson's stuff in regard to them and 11 Central would run Central's stuff in regard to 12 them until we figure out as a board and as the 13 governing body how we would run it in the 14 future. 15 But the bylaws would carry forward from 16 what is currently both entities' bylaws. They 17 would move forward. 18 BOARD MEMBER REIDA: I guess 19 that's maybe where the Protestants would have 20 the issues, that there's no -- there's no 21 clearly defined operational guidelines. And 22 you have two general managers where no one 23 really is in charge on a day-to-day operations. 24 THE WITNESS: I would direct you 25 to the governing documents, No. 6, the</p>	<p style="text-align: right;">Page 179</p> <p>1 consolidation, the charter and the bylaws move 2 forward on day one from Central and from 3 Dawson. And then all 23 directors would be in 4 force. 5 BOARD MEMBER REIDA: Okay. 6 Thank you. 7 THE WITNESS: Thank you. 8 BOARD MEMBER HUTCHISON: So in 9 the opening comments of both counsels, I 10 noticed a difference kind of in how they 11 described this. 12 Central's opening said, you know, it -- 13 that the district was owned and accountable to 14 the public. 15 Citizens mentioned that these are not -- 16 these are citizens, not customers, and they're 17 also ratepayers. 18 So I think we're kind of getting some of 19 the fundamental about, like, what's the 20 difference here between, you know, kind of the 21 difference of perspectives. 22 And so I thought I'd ask a little bit 23 about Central today. 24 Does -- so how many -- how do the 25 elections work? So are the elections -- every</p>

Page 180

1 voter that sits within that county is able to
2 elect a director?
3 THE WITNESS: That is correct.
4 They're six-year terms. My county, Dawson, for
5 instance, everyone in Dawson County would vote
6 for whomever they chose at the time, whoever
7 was up for election, whoever had filed.
8 BOARD MEMBER HUTCHISON: So
9 these boards today as elected and governed in
10 structure essentially are representing the
11 voters of those counties?
12 THE WITNESS: That is correct.
13 BOARD MEMBER HUTCHISON: So
14 you've got your Tri County area. You've got
15 the county that's -- let me pull up my map
16 here. Apologize for my -- Keith County,
17 Lincoln County and Dawson County, generally
18 speaking, those are the six counties; right?
19 THE WITNESS: That is correct.
20 BOARD MEMBER HUTCHISON: Can you
21 tell me how many directors are in each one of
22 those counties? Or how does that election work
23 today? What's the composition of the board?
24 THE WITNESS: So currently if
25 you look at the blue, those are the directors

Page 182

1 the Tri County area?
2 THE WITNESS: That is correct.
3 BOARD MEMBER HUTCHISON: Do you
4 recall the three board members that chose to
5 vote against this? Were they all representing
6 the Tri County area?
7 THE WITNESS: All three of them
8 would have been in Phelps County.
9 BOARD MEMBER HUTCHISON: All
10 three were in Phelps County?
11 THE WITNESS: So I'll remind you
12 that the one vote that was a no vote was an
13 absent voter. There was no one in that seat.
14 So it was by default a no. But that was also
15 in Phelps County.
16 BOARD MEMBER HUTCHISON: Does
17 each county get three -- has three directors?
18 THE WITNESS: Of Phelps and
19 Gosper and Kearney County, the bottom three
20 counties all have three directors each. So
21 there's a total of nine.
22 BOARD MEMBER HUTCHISON: Okay.
23 So in the three -- so there's a total of nine.
24 And of that nine, three voted no, and one
25 position was vacant, which is the same as a no

Page 181

1 and where they are scattered across the
2 counties.
3 So there's one in Keith County. There's
4 one in Lincoln County. I'm in Dawson County.
5 And then there are three in Gosper County,
6 three in Phelps County and three in Kearney
7 County.
8 HEARING OFFICER TEXEL: Are you
9 talking about the blue dots?
10 THE WITNESS: Yes.
11 MS. KREIFELS: And he's
12 referring to Exhibit 43.
13 BOARD MEMBER HUTCHISON: Okay.
14 All right. Thank you.
15 So let's go back to the vote here on the
16 charter amendment. You were in attendance the
17 day that this was approved by Central's board?
18 THE WITNESS: Yes.
19 BOARD MEMBER HUTCHISON: And the
20 vote was nine to three with one board office
21 vacant, as was previously mentioned?
22 THE WITNESS: Yes.
23 BOARD MEMBER HUTCHISON: And so
24 there are nine directors with the -- including
25 the vacancy that are in those three counties --

Page 183

1 vote?
2 THE WITNESS: Two voted no. And
3 then there was a vacant position, which made
4 three total no's.
5 BOARD MEMBER HUTCHISON: Oh,
6 okay. Okay. Okay. All right. I got it.
7 So the majority of the directors elected
8 in those three counties voted in favor of
9 this -- of amendment?
10 THE WITNESS: That is correct.
11 BOARD MEMBER HUTCHISON: Do you
12 believe that the irrigation water service, the
13 users of irrigation water service are
14 prejudiced by this amendment?
15 THE WITNESS: No, not at all.
16 BOARD MEMBER HUTCHISON: Have
17 you had discussions with people that do believe
18 that?
19 THE WITNESS: I've heard it and
20 read it in the newspaper. Heard it on the
21 radio.
22 BOARD MEMBER HUTCHISON: But
23 based on your understanding of the district's
24 processes and governance and your knowledge of
25 the service that's currently provided and would

<p style="text-align: right;">Page 184</p> <p>1 be provided, you don't believe they are 2 prejudiced? 3 THE WITNESS: I don't. 4 BOARD MEMBER HUTCHISON: Okay. 5 All right. 6 THE WITNESS: Not in my view. 7 BOARD MEMBER HUTCHISON: All 8 right. Thank you. 9 HEARING OFFICER TEXEL: Any 10 other questions by board members? All right. 11 Mr. Brashear, you said you had some. 12 MR. BRASHEAR: Couple followup, 13 just -- 14 HEARING OFFICER TEXEL: Redirect 15 questions. Okay. 16 MR. BRASHEAR: Redirect, yes, 17 thank you. 18 REDIRECT EXAMINATION 19 BY MR. BRASHEAR: 20 Q. Mr. Rowe, earlier under 21 cross-examination from Mr. Degan, reference was 22 made to a NDA. What -- do you understand what 23 an NDA refers to? 24 A. Yes, I do. 25 Q. What does NDA stand for?</p>	<p style="text-align: right;">Page 185</p> <p>1 A. NonDisclosure Agreement. 2 Q. And there was reference to meetings 3 where that may have been signed at. Do you 4 recall what joint board meeting that occurred 5 at? 6 A. It was in Kearney at a joint board 7 meeting. And the NDA was to discuss a business 8 opportunity that would deal with carbon-free 9 electricity that Central could provide and 10 Dawson could also be the distributor to. 11 Q. Mr. Rowe, is it your testimony that 12 that NDA was not related to the merger of 13 Central and Dawson Public Power District? 14 A. It had nothing to do with that. It 15 was just a potential outside endeavor that 16 could possibly happen if the -- if the stars 17 aligned with both districts. 18 Q. It related to an economic development 19 opportunity? 20 A. Yes. 21 HEARING OFFICER TEXEL: Just to 22 clarify, when you say has nothing to do with 23 that? 24 THE WITNESS: I'm sorry. 25 With --</p>
<p style="text-align: right;">Page 186</p> <p>1 BY MR. BRASHEAR: 2 Q. Does it have anything to do with the 3 merger? 4 A. Had nothing to do with the merger. 5 Q. Okay. Thank you. 6 HEARING OFFICER TEXEL: Just 7 wanted to be explicit in the record on that. 8 MR. BRASHEAR: Appreciate that. 9 BY MR. BRASHEAR: 10 Q. Mr. Rowe, would you view Central as 11 being an example of local control today? 12 A. Yes, I would. 13 Q. If the Power Review Board approves 14 this amendment and Platte River Public Power 15 and Irrigation District takes effect, would you 16 view Platte River Public Power and Irrigation 17 District as being a locally controlled entity 18 as well? 19 A. Absolutely. 20 Q. I want to refer to -- Mr. Rowe, you 21 to Exhibit 43, which is both on the easel and 22 in -- before the board members. 23 What is your understanding of what Exhibit 24 43 is? 25 A. 43 is a map of the board membership</p>	<p style="text-align: right;">Page 187</p> <p>1 between the two districts as of July 1 if a 2 merger were to take place by July 1. 3 Q. And is it your understanding that 4 this is a listing of the current directors of 5 Central and Dawson? 6 A. This is a listing of the current 7 directors, yes. 8 Q. And are -- what color are the Central 9 directors in? 10 A. They are blue. 11 Q. And what color are the Dawson 12 directors in? 13 A. They are red. 14 Q. And is it your -- what is your 15 understanding from the Plan of Consolidation 16 with regard to how many directors Platte River 17 Public Power and Irrigation District would have 18 on the first day? 19 A. First day, there would be 23. 20 Q. And how many of those directors would 21 be current directors of Central? 22 A. There will be 12 current directors of 23 Central. 24 Q. And how many of those directors would 25 be who are now current directors of Dawson?</p>

<p style="text-align: right;">Page 188</p> <p>1 A. There will be 11 current directors 2 for Dawson. 3 Q. So is it your testimony there will be 4 23 directors at the beginning, 12 of whom will 5 have been Central directors and 11 who will 6 have been Dawson directors? 7 A. That is my testimony, yes. 8 HEARING OFFICER TEXEL: Each of 9 those are the full boards; right? There's 12 10 and 11 now on those respective boards; right? 11 THE WITNESS: That is correct. 12 HEARING OFFICER TEXEL: Okay. 13 BY MR. BRASHEAR: 14 Q. Mr. Rowe, you referred in Exhibit 44, 15 the Plan of Consolidation, to Section 6? 16 A. Yes. 17 Q. Is it your understanding that on the 18 first day of Platte River Public Power and 19 Irrigation District, the bylaws of Central will 20 be the bylaws of Platte River? 21 A. That is correct. 22 Q. Would you view the bylaws of Central 23 today as being favorable towards irrigators? 24 A. I would say, yes. 25 Q. Is it your understanding from Section</p>	<p style="text-align: right;">Page 189</p> <p>1 6 that the rules, regulations and policies of 2 Central regarding the delivery of surface 3 irrigation will be those of Platte River on day 4 one? 5 A. That is correct. 6 MR. DEGAN: Objection. Form, 7 foundation, to the extent it calls for a legal 8 conclusion. 9 BY MR. BRASHEAR: 10 Q. Is it your belief -- 11 MR. DEGAN: His understanding. 12 BY MR. BRASHEAR: 13 Q. Is it your understanding -- 14 MR. BRASHEAR: Thank you, 15 Counsel. 16 BY MR. BRASHEAR: 17 Q. Is it your understanding that the 18 rules, regulations and policies of Central 19 regarding delivery of surface irrigation will 20 be those of Platte River on day one? 21 A. It is, yes. 22 Q. Do you believe that the rules, 23 regulations and policies of Central today are 24 favorable towards surface water irrigators? 25 A. I do believe that, yes.</p>
<p style="text-align: right;">Page 190</p> <p>1 Q. To change the bylaws of Platte River, 2 what would be required as you read Section 6? 3 MR. DEGAN: Again, I'm going to 4 object to the extent it calls for a legal 5 conclusion. 6 BY MR. BRASHEAR: 7 Q. What is your understanding of what 8 the Platte River board would need to do to 9 change the bylaws? 10 A. You would need a majority vote. And 11 the majority would be sitting with Central. So 12 you'd have to have a dissension from a Central 13 board member to have any changes. 14 HEARING OFFICER TEXEL: Would -- 15 let me interrupt for a moment. 16 Would that vote be of the members present 17 to change that? Or will it be the members -- 18 of all members of the Platte River District? 19 Do you know? 20 THE WITNESS: I don't know. 21 HEARING OFFICER TEXEL: Okay. 22 BY MR. BRASHEAR: 23 Q. And so I -- Mr. Rowe, I want to 24 clarify, without getting into what the vote 25 would be required, is it your understanding</p>	<p style="text-align: right;">Page 191</p> <p>1 that a vote would be required by the Platte 2 River board to amend the bylaws? 3 A. Yes, it would be -- a vote would be 4 required to amend the bylaws. 5 Q. And a majority of the Platte River 6 board -- is it your understanding the majority 7 of the Platte River board would be former 8 directors of Central when Platte River is 9 formed? 10 A. That is correct. 11 Q. Mr. Rowe, you testified earlier about 12 a vacancy on the Central board of directors. 13 Has that vacancy been filled? 14 A. It has. 15 Q. Who filled that vacancy? 16 A. Brent Soneson. 17 Q. And when was that filled? 18 A. That was filled in the general 19 election. 20 Q. Of? 21 A. Of the -- the general election of -- 22 Q. November 2022? 23 A. Yes, exactly. 24 Q. And Mr. Soneson has been seated? 25 A. He has.</p>

Page 192

1 MR. BRASHEAR: I have no further
2 questions.
3 HEARING OFFICER TEXEL: Recross?
4 MR. DEGAN: Are we doing
5 recrosses?
6 HEARING OFFICER TEXEL: We are.
7 BOARD MEMBER HUTCHISON: Well,
8 before you -- well, I have a couple other
9 followup ones that I was going to ask. But do
10 you want to do recross first? Or do you --
11 HEARING OFFICER TEXEL: Why
12 don't you go ahead. I think he's looking at
13 his notes of what he might want to ask. Why
14 don't we have the board members ask.
15 BOARD MEMBER HUTCHISON: So you
16 mentioned that all of the voters elect these
17 directors. How many -- do you have a rough
18 idea of the percentage of voters that are
19 irrigation users?
20 THE WITNESS: I don't.
21 BOARD MEMBER HUTCHISON: Do you
22 think -- do you have an idea whether that's
23 more or less than 20 percent?
24 THE WITNESS: If I had to guess,
25 I would say it would be way less than 20

Page 194

1 irrigation and public power district, would
2 it -- does it provide retail customer electric
3 service in Keith County? Do you know? I mean,
4 if you don't know, that's okay.
5 THE WITNESS: I don't know. I
6 should know. But I don't.
7 BOARD MEMBER HUTCHISON: Okay.
8 And then there would be two people from
9 Lincoln. And if I'm understanding correctly,
10 Lincoln County, it's one of the areas of the
11 merger that is -- where there are voters
12 currently from both the -- from both current
13 districts, Dawson and Central?
14 THE WITNESS: That is correct.
15 BOARD MEMBER HUTCHISON: Same
16 thing for Dawson County?
17 THE WITNESS: That is correct as
18 well.
19 BOARD MEMBER HUTCHISON: And
20 then the Tri County areas are just members of
21 Central but not members of Dawson?
22 THE WITNESS: That is correct.
23 BOARD MEMBER HUTCHISON: So you
24 would have -- of the voters that are going to
25 be electing directors, the current counties

Page 193

1 percent.
2 BOARD MEMBER HUTCHISON: Okay.
3 So if we go to the -- if we go to the -- not
4 the immediate, you know, combined merger board
5 but the long-term vision of the -- of the
6 board, describing the Plan of Consolidation,
7 there would be seven subdistricts?
8 THE WITNESS: Yes.
9 BOARD MEMBER HUTCHISON: And
10 each one of those subdistricts has two
11 directors?
12 THE WITNESS: That is correct.
13 BOARD MEMBER HUTCHISON: So if I
14 go to the map that we said was in -- I don't
15 remember.
16 HEARING OFFICER TEXEL: Exhibit
17 43.
18 MR. BRASHEAR: 43.
19 BOARD MEMBER HUTCHISON: 43, we
20 also have up here, that means there will be two
21 people from Keith County?
22 THE WITNESS: That is correct.
23 BOARD MEMBER HUTCHISON: Are
24 those people -- Keith County in the merged, the
25 new Platte River Public Power District, in your

Page 195

1 that are represented -- Keith, Lincoln, Dawson,
2 Gosper, Phelps and Kearney -- all but one
3 county, essentially Buffalo County, is the only
4 county that has no current Central customers or
5 voters?
6 THE WITNESS: That is correct.
7 And I'd like to back you up just a second.
8 There is one Dawson director that is in
9 Gosper County.
10 BOARD MEMBER HUTCHISON: There
11 is one Daw -- oh, I see. Yeah, Dawson County
12 goes into -- Dawson -- the district of Dawson
13 goes into Gosper County?
14 THE WITNESS: Exactly, yes.
15 BOARD MEMBER HUTCHISON: Okay.
16 All right. I see that. Okay. All right.
17 Thank you.
18 THE WITNESS: Yes.
19 MR. DEGAN: I did have a couple
20 of followup points. But I think I can get
21 there with other witnesses.
22 And counsel passed me a note, and I think
23 by stipulation, the parties have agreed not to
24 do recross, just in the interest of time.
25 HEARING OFFICER TEXEL: Okay.

<p style="text-align: right;">Page 196</p> <p>1 MR. DEGAN: Agreed?</p> <p>2 MR. JARECKE: On all witnesses,</p> <p>3 correct.</p> <p>4 MR. DEGAN: On all witnesses.</p> <p>5 HEARING OFFICER TEXEL: Okay. I</p> <p>6 don't want to foreclose that on a party.</p> <p>7 MR. DEGAN: Okay.</p> <p>8 HEARING OFFICER TEXEL: If you</p> <p>9 guys want to stipulate to that, I'm fine with</p> <p>10 that.</p> <p>11 MR. JARECKE: Thank you.</p> <p>12 HEARING OFFICER TEXEL: All</p> <p>13 right. So I believe that's all for Mr. Rowe.</p> <p>14 Thank you very much.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 HEARING OFFICER TEXEL: You can</p> <p>17 step down.</p> <p>18 THE WITNESS: Thank you for your</p> <p>19 time.</p> <p>20 MR. BRASHEAR: We will call</p> <p>21 Scott Dicke as our next witness.</p> <p>22 And I would preface that in noting that</p> <p>23 Mr. Dicke will talk about some of the</p> <p>24 irrigation issues that have been raised by the</p> <p>25 board and that we discussed earlier to give</p>	<p style="text-align: right;">Page 197</p> <p>1 some information on that.</p> <p>2 THE REPORTER: Would yo spell</p> <p>3 your name for me, please?</p> <p>4 THE WITNESS: Scott Dicke,</p> <p>5 S-C-O-T-T, D-I-C-K-E.</p> <p>6 HEARING OFFICER TEXEL:</p> <p>7 D-I-C-K-E?</p> <p>8 THE WITNESS: Correct.</p> <p>9 HEARING OFFICER TEXEL: No Y?</p> <p>10 THE WITNESS: Correct.</p> <p>11 HEARING OFFICER TEXEL: Okay.</p> <p>12 SCOTT DICKE,</p> <p>13 Called as a witness on behalf of CNPPID, being</p> <p>14 first duly sworn, was examined and testified as</p> <p>15 follows:</p> <p>16 HEARING OFFICER TEXEL: Okay.</p> <p>17 Please be seated.</p> <p>18 THE WITNESS: Thank you.</p> <p>19 HEARING OFFICER TEXEL: And I --</p> <p>20 you stated your name. Could you state your</p> <p>21 address?</p> <p>22 THE WITNESS: 504 Alma, Nebraska</p> <p>23 68920.</p> <p>24 ///</p> <p>25 ///</p>
<p style="text-align: right;">Page 198</p> <p>1 DIRECT EXAMINATION</p> <p>2 BY MR. BRASHEAR:</p> <p>3 Q. Mr. -- yeah. Mr. Dicke, what is your</p> <p>4 position with Central?</p> <p>5 I -- I'm sorry, Mr. Dicke, let me ask, are</p> <p>6 you an employee of Central?</p> <p>7 A. Yes, I am.</p> <p>8 Q. What is your position with Central?</p> <p>9 A. I'm the irrigation and water services</p> <p>10 manager.</p> <p>11 Q. And what do those duties entail?</p> <p>12 A. It's making sure our customers get</p> <p>13 water, making sure there's adequate</p> <p>14 infrastructure to make sure that they're taken</p> <p>15 care of and they can irrigate their crops and</p> <p>16 taking care of quotes.</p> <p>17 Q. So you're responsible for frontline</p> <p>18 relationship with irrigation service customers?</p> <p>19 A. Yes, that's correct.</p> <p>20 Q. How long have you been at Central?</p> <p>21 A. A little over a couple -- two years,</p> <p>22 a little over.</p> <p>23 Q. Have you held other positions at</p> <p>24 Central or --</p> <p>25 A. Not at Central, no.</p>	<p style="text-align: right;">Page 199</p> <p>1 Q. Where did you work before Central?</p> <p>2 A. I was the assistant manager for the</p> <p>3 Lower Republican Natural Resources District.</p> <p>4 Q. And what were your duties there?</p> <p>5 A. I -- everything administrative. We</p> <p>6 had approximately 300,000 acres of groundwater</p> <p>7 irrigation that was allocated and metered. And</p> <p>8 so making sure that water was used efficiently</p> <p>9 within the rules and regulations.</p> <p>10 Q. So at Lower Republican, you primarily</p> <p>11 worked with groundwater irrigation?</p> <p>12 A. Correct.</p> <p>13 Q. And at Central, you primarily work</p> <p>14 with surface water irrigation?</p> <p>15 A. That's correct.</p> <p>16 HEARING OFFICER TEXEL: How long</p> <p>17 did you work for the Lower -- was it Lower?</p> <p>18 MR. BRASHEAR: Lower Republican.</p> <p>19 HEARING OFFICER TEXEL: Lower</p> <p>20 Republican.</p> <p>21 THE WITNESS: I want to say</p> <p>22 short of eight years. End of -- end of 2014 to</p> <p>23 maybe the beginning of 2021.</p> <p>24 HEARING OFFICER TEXEL: Okay.</p> <p>25 So approximately eight years?</p>

<p style="text-align: right;">Page 200</p> <p>1 THE WITNESS: Approximately. A 2 little short of that. 3 HEARING OFFICER TEXEL: Close 4 enough. Just wanted to get an idea. 5 BY MR. BRASHEAR: 6 Q. So, Mr. Dicke, I think you heard 7 testimony or questions earlier today about 8 issues related to water and irrigation. I'd 9 like to explore those a little bit with you if 10 I may -- 11 A. Yes. 12 Q. -- for the benefit of everyone here. 13 What is meant by irrigation? 14 A. Sure. I get that question a lot. 15 And so irrigation, the application of 16 water to assist crops from -- if you have 17 precipitation and you don't have enough of it, 18 you apply water for irrigation to grow the 19 crop. 20 Q. And are -- is there one method of 21 irrigation, or are there -- is there more than 22 one method of irrigation? 23 A. In Nebraska, we predominantly think 24 of surface water irrigation and groundwater 25 irrigation. We talked a little bit about the</p>	<p style="text-align: right;">Page 201</p> <p>1 surface water and the groundwater. 2 Q. And you heard Mr. Rowe's testimony on 3 surface water. Would you agree with his 4 description of surface water irrigation? 5 A. Yeah. 6 Q. Anything you would add to that? 7 A. You know, generally when you think of 8 groundwater, again, it is water that is being 9 extracted from a well. And surface water 10 typically is thought of as being impounded 11 behind a dam or drawn from the river and then 12 applied directly to the field. 13 Q. Okay. What irrigation is Central 14 involved with or does it facilitate? What 15 types of irrigation does it facilitate? 16 A. Predominantly surface water 17 irrigation. 18 There is indirect support of the water 19 table, increasing the water table. That 20 reduces pumping costs for groundwater pumpers, 21 groundwater irrigators. 22 Q. I think at this time, Mr. Dicke, just 23 to help with this description, I'd like to 24 point to -- 25 MS. KREIFELS: 21.</p>
<p style="text-align: right;">Page 202</p> <p>1 BY MR. BRASHEAR: 2 Q. -- Exhibit 21, if I may. And we'll 3 put up a slide which is page 15 of Exhibit 21. 4 MS. KREIFELS: It's actually 5 going to be page 16 instead. 6 MR. BRASHEAR: Page 16. Sorry. 7 BY MR. BRASHEAR: 8 Q. Page 16 of Exhibit 21. 9 Mr. Dicke, do you have page 16 of Exhibit 10 21 -- 11 A. I do. 12 Q. -- available to you? 13 And is that what's represented on the 14 easel as well? 15 A. Yes, it is. 16 Q. Can -- do you understand this 17 exhibit, what it's portraying? 18 A. I do. 19 Q. Could you explain what you understand 20 this exhibit to be portraying? 21 A. Certainly. 22 THE WITNESS: With permission of 23 the board and executive director, could I stand 24 and point to a few things? 25 HEARING OFFICER TEXEL: Yes.</p>	<p style="text-align: right;">Page 203</p> <p>1 But describe where you're pointing on the map 2 because the record won't -- if you just point 3 and say -- 4 THE WITNESS: Sure. 5 HEARING OFFICER TEXEL: -- here, 6 people reading it wouldn't know where it's at. 7 THE WITNESS: Okay. 8 HEARING OFFICER TEXEL: So if 9 you could do that, but, yes, you can do that. 10 THE WITNESS: Okay. Thank you. 11 A. To start, in this whole map, we're 12 looking at the Central Platte Basin. Okay. 13 Lake McConaughy being at the far left side of 14 the illustration here. 15 Each one of these four emblems recognizes 16 a power production facility, one of Central's 17 facilities operated as a power plant. 18 HEARING OFFICER TEXEL: And 19 that's those kind of square -- 20 THE WITNESS: Right. 21 HEARING OFFICER TEXEL: -- with 22 the appearance of water coming out of it is -- 23 is a -- 24 THE WITNESS: Hydro -- 25 HEARING OFFICER TEXEL: -- hydro</p>

Page 204

1 dam?
2 THE WITNESS: Hydro generation.
3 HEARING OFFICER TEXEL:
4 Generation. Okay.
5 THE WITNESS: Uh-huh, yep.
6 MR. JARECKE: Speak up just a
7 little bit.
8 THE WITNESS: You bet.
9 HEARING OFFICER TEXEL: That --
10 I just note that microphone only handles this
11 room.
12 The microphone on the corner of that
13 witness stand is the one that actually picks up
14 for WebEx.
15 MR. JARECKE: Okay.
16 A. And starting at Lake McConaughy,
17 where irrigation water is stored, it is
18 released. It runs through one of the hydro
19 generations generator. It continues down the
20 river.
21 HEARING OFFICER TEXEL: Which
22 one is that one?
23 THE WITNESS: This is at
24 Kingsley Dam. Okay. Thank you.
25 A. And as it comes down, it ultimately

Page 206

1 purple, is also surface water irrigation
2 districts.
3 So that is a big picture. And then
4 ultimately all of this area is also -- has
5 groundwater irrigation.
6 HEARING OFFICER TEXEL:
7 Depending on the original exhibit, it's kind of
8 magenta or purple on the large demonstration
9 exhibit.
10 On the one I have, it's kind of a darker
11 blue. And there's light blue around the hydro
12 generators and such.
13 I just want to be clear so we have the
14 colors.
15 But the -- and then you referred to that
16 small darker area on the right around the east
17 as -- I forget what that was.
18 THE WITNESS: This is --
19 actually, water that's released from Lake
20 McConaughy is providing surface water
21 irrigation in the very darkest color.
22 HEARING OFFICER TEXEL: It's on
23 the upper right section?
24 THE WITNESS: Yep.
25 HEARING OFFICER TEXEL: Okay.

Page 205

1 goes through the next hydro generation of
2 Jeffrey.
3 And it continues to Johnson Lake down
4 here. And water continues through J-1, as it's
5 referred to, Johnson 1 and Johnson 2. Then
6 goes through the Phelps Canal system.
7 And this area, in the darker color where
8 it says direct water irrigation, that's all
9 water that Central provides directly to its
10 customers with the Water Service Agreement.
11 HEARING OFFICER TEXEL: That's
12 the tan, orangish-looking area?
13 THE WITNESS: That's correct.
14 Okay.
15 A. And so -- that's the water for
16 Central.
17 Other water that's released out of Lake
18 McConaughy for surface water irrigation might
19 not run through Central's hydros. It might
20 come down to the river.
21 The furthest one for surface water
22 irrigation is in Buffalo County. So Buffalo
23 County has an irrigation -- surface water
24 irrigation district.
25 And then this other darker magenta color,

Page 207

1 THE WITNESS: Towards Kearney.
2 In addition to this other darker area, this is
3 all surface water irrigation that comes out of
4 Lake McConaughy.
5 HEARING OFFICER TEXEL: Okay.
6 Thank you.
7 BY MR. BRASHEAR:
8 Q. Mr. Dicke, where would you say
9 approximately that larger surface water
10 irrigation spot in the middle of that, what
11 counties is that in?
12 A. I believe that would be in Dawson and
13 Lincoln County predominantly.
14 Q. And so are there canals there then?
15 That's how that surface water irrigation is
16 being delivered?
17 A. Yes, that is correct.
18 BOARD MEMBER MOEN: What's the
19 difference between direct surface and indirect
20 surface? Are you getting --
21 THE WITNESS: In -- in -- on
22 this illustration -- that's surface water
23 irrigation that derives from Lake McConaughy.
24 Direct surface water irrigation is the
25 area that has a contract with Central to

Page 208

1 deliver that.
2 Indirect surface water irrigation is water
3 that other irrigation districts have and they
4 store it in Lake McConaughy. It's the
5 importance of Lake McConaughy to surface water
6 irrigation.
7 BOARD MEMBER HUTCHISON: So I'm
8 not sure -- I'm not asking you to answer maybe
9 specifically about Mr. Rowe, but he testified
10 that he was an irrigator but he was not a
11 customer of Central. Does that imply that
12 those people that are either in that
13 circumstance are customers of these other
14 districts?
15 THE WITNESS: It could be.
16 BOARD MEMBER HUTCHISON: Okay.
17 THE WITNESS: In Mr. Rowe's
18 case, I believe that is how --
19 BOARD MEMBER HUTCHISON: So
20 indirectly, they are benefiting from Central's
21 management of that dam, whether they're direct
22 customers of Central or not?
23 THE WITNESS: I would say so.
24 BY MR. BRASHEAR:
25 Q. Mr. Dicke, you talked about customers

Page 210

1 establish how much water a customer is entitled
2 to?
3 A. Yes, they do.
4 Q. Do they establish a maximum amount?
5 A. Yes, they do. 1.5 acre-feet per
6 acre.
7 Q. Do they establish a minimum amount?
8 A. They don't establish that. But the
9 board has, you know, the responsibility to
10 provide water to the best of its ability but is
11 not held liable should drought or something
12 come along.
13 Q. Testimony was given earlier related
14 to the term allocation. Does that relate to
15 this question?
16 A. Yes, it does.
17 Q. What does allocation mean?
18 A. It is if the board determines there
19 is a quantifiable amount but it's not able to
20 meet that 1.5 acre-feet per acre, they could
21 say, well, we're going to allocate one
22 acre-foot per acre for those customers to make
23 sure everybody has some water.
24 Q. And the board makes that decision?
25 A. The board does make that decision.

Page 209

1 of Central a moment ago, surface water
2 irrigation customers; is that correct?
3 A. Yes.
4 Q. Is there a document of some kind or
5 how is that arrangement between Central and
6 those customers proven, established, created?
7 A. Sure. We have a -- what's called a
8 Water Service Agreement. That is to deliver
9 water to those customers where the water rights
10 are attached to the land.
11 Q. And do the water rights belong to the
12 landowner? Do they belong to Central? Do --
13 A. They belong to the landowner --
14 Q. -- what is the balance?
15 A. -- and carried in trust by Central.
16 Q. And generally I assume there's
17 variations between Water Service Agreements?
18 A. Generally there is some variation.
19 But that is through time and through the edits
20 of many attorneys over time.
21 Some of them go back to 1950. And as they
22 evolved, there's just some -- some slight
23 modifications in there. So -- but generally
24 they are consistent.
25 Q. Do the Water Service Agreements

Page 211

1 Q. Is there a recommendation from staff
2 to the board, or is that something the board
3 initiates?
4 A. If -- if the staff is asked by the
5 board, you know, what their thoughts are, we
6 provide it.
7 You know, if -- a lot of times there's a
8 lot of sand on the beach in McConaughy that,
9 you know, some people are looking at. But
10 staff does say this is how much water's there
11 and this is what we need to get to -- to
12 everyone.
13 Q. Is allocation made on a districtwide
14 basis? Is it made on a canal-system basis, or
15 is -- or is it on an individual-agreement
16 basis?
17 A. From what I understand, the board's
18 always made it on a districtwide basis.
19 Q. So everybody in the district, all
20 surface water irrigation customers are treated
21 the same in an allocation?
22 A. That's what I understand.
23 Q. That's your understanding?
24 A. Yep.
25 HEARING OFFICER TEXEL: I'm

<p style="text-align: right;">Page 212</p> <p>1 going to interrupt for a minute. 2 You said the district has a responsibility 3 to provide water to the irrigators; is that 4 right? 5 THE WITNESS: To -- yes. 6 HEARING OFFICER TEXEL: Is -- 7 and what creates that responsibility? I'm 8 getting at is that a legal responsibility by 9 statute? Is that a contractual responsibility? 10 What creates that right? 11 THE WITNESS: The service and 12 the delivery is through a contract, through a 13 water services contract with the producer. 14 HEARING OFFICER TEXEL: But 15 there's not a guarantee on a minimum amount 16 that has to be supplied? It's kind of a 17 pro rata amount to all irrigators? 18 THE WITNESS: It is the -- the 19 contracts all stipulate 1.5 acre-feet per acre. 20 You know, but the board has the capability to 21 adjust that. 22 HEARING OFFICER TEXEL: Okay. 23 So it's -- it sets a standard -- 24 THE WITNESS: Baseline. 25 HEARING OFFICER TEXEL: -- but</p>	<p style="text-align: right;">Page 213</p> <p>1 it could be modified if the water isn't 2 available in sufficient quantity; is that a 3 fair -- 4 THE WITNESS: That's fair. 5 HEARING OFFICER TEXEL: -- 6 description? 7 Okay. Mr. Brashear -- or board member has 8 a question. 9 BOARD MEMBER HUTCHISON: You 10 testified to the difference between, like, the 11 water -- the rights belong to the landowners 12 but the district is basically serving as 13 trustee of that resource. Can you explain a 14 little bit more about what that means? Or 15 maybe I didn't describe that correctly. Can 16 you clarify that? 17 THE WITNESS: I think you -- the 18 water -- the water that is stored and diverted 19 has a destination. And it's to a tract of 20 land. Okay. And getting that water and 21 holding that appropriation is what Central 22 does. 23 And so if a -- so the water can't be moved 24 without the consent of the landowner. The 25 water's attached to the land.</p>
<p style="text-align: right;">Page 214</p> <p>1 BOARD MEMBER HUTCHISON: Okay. 2 And can you -- you mentioned these other 3 irrigation districts that are receiving their 4 water from Lake McConaughy. You mentioned 5 something about, I think, so much of the water 6 that's stored at McConaughy is in trust to 7 various districts; is that a way to think about 8 that? 9 Can you kind of explain the relationship 10 between how Central -- Central manages the flow 11 of this water, the impact that it has on these 12 other irrigators? 13 THE WITNESS: I'll do my best. 14 So there's multiple interests that hold 15 water in Lake McConaughy. There is irrigation. 16 And the irrigation districts include Central. 17 It includes irrigation districts like in this 18 exhibit in the dark blue area. Okay? 19 There's also requirements of water to 20 meet, that was mentioned, the Federal Energy 21 Regulatory Commission. 22 And so there's a pie, you know. There's 23 this much water. And so as the water gets 24 less, the overall pie gets smaller. 25 And so, you know, on the -- the north side</p>	<p style="text-align: right;">Page 215</p> <p>1 of the river where these -- in this diagram 2 where the indirect water irrigation is, the 3 contract water, there's probably more surface 4 water irrigated acres on that north side than 5 what Central has in -- overall. 6 I don't know if I got there or not so -- 7 BOARD MEMBER HUTCHISON: No. I 8 think that's helpful. 9 What about -- so did I understand 10 correctly that Central is the one managing that 11 flow from the dam? They manage the dam, so 12 then water come through the dam -- even 13 though -- 14 THE WITNESS: Yeah. 15 BOARD MEMBER HUTCHISON: -- the 16 pie is going to be -- how much water flows 17 through that dam will be a function of how 18 Central decides to manage the water levels 19 behind the dam and the lake level -- the depth 20 of lake, as it shrinks -- in the event that 21 there -- you were in a drought condition, it 22 has to allocate, Central is the entity that 23 determines how much water is going to flow 24 through this dam. 25 And they have to meet requirements for</p>

<p style="text-align: right;">Page 216</p> <p>1 FERC, wildlife requirements. They're going to 2 meet requirements to make sure that they are 3 meeting these other users, other irrigation 4 districts that have -- that are going to 5 receive some of this water for their uses, and 6 you're also then for the downstream 7 hydroelectric dams, as well as the Central 8 customers that are irrigation users? 9 THE WITNESS: I would say 10 ultimately the water's flowing out of Lake 11 McConaughy. And if I could, I would -- 12 BOARD MEMBER HUTCHISON: Yes. 13 THE WITNESS: -- point to one 14 spot here. 15 Down by Kearney, this is, I believe, the 16 oldest -- one of the oldest or the oldest water 17 right. So if they call -- 18 HEARING OFFICER TEXEL: That's 19 the dark blue area on the north -- 20 THE WITNESS: It is. 21 HEARING OFFICER TEXEL: -- east 22 part of that light blue area? 23 THE WITNESS: I believe that's 24 the Kearney Canal. And if they call for their 25 water, since they're senior right, it -- it has</p>	<p style="text-align: right;">Page 217</p> <p>1 to be released. 2 HEARING OFFICER TEXEL: They're 3 senior to Central? 4 THE WITNESS: They are. 5 BOARD MEMBER REIDA: So can you 6 address the mechanics of how it's metered? 7 Does each user have a metering device as it 8 pumps out of the canal? Or how do you know how 9 much water they've used? 10 THE WITNESS: The end user at 11 Central has a meter. 12 I can't speak for the other irrigation 13 districts as to whether or not they meter the 14 water. But they have their water right. And 15 they can flow for that amount. 16 And so it is tracked in a very large, 17 complicated spreadsheet that is -- you know, 18 the -- a lot of people are involved, the people 19 who have the water right in the State of 20 Nebraska, Department of Natural Resources. 21 BOARD MEMBER REIDA: Off of that 22 metered amount, they're then billed, and off of 23 that, you're making a 30 percent margin; is 24 that correct? 25 THE WITNESS: I need to</p>
<p style="text-align: right;">Page 218</p> <p>1 repeat -- could I ask you to repeat that 2 question for me, please? 3 BOARD MEMBER REIDA: Well, you 4 have a metered amount. So after the meter is 5 somehow read, they're then billed for the 6 water, and off of that bill, Central has a 30 7 percent profit margin; is that correct? 8 THE WITNESS: I can speak to the 9 meter. The water that runs through the meter 10 is billed. We know that amount. 11 I can't speak to the 30 percent profit 12 margin for Central through that meter. But the 13 water that runs through the meters at Central 14 we bill for. 15 BOARD MEMBER REIDA: Okay. I 16 think in the opening statements, the -- one of 17 the lawyers had indicated there's \$100 million 18 of cash and that the water is being sold at a 19 30 percent margin. So maybe that -- that's 20 somebody else probably going to tell us that. 21 HEARING OFFICER TEXEL: I 22 think -- I think the next witness is expected 23 to deal with that, Mr. Chair. 24 BOARD MEMBER REIDA: Then the 25 other question, where does -- NPPD is an</p>	<p style="text-align: right;">Page 219</p> <p>1 irrigation district, too. Where are they at in 2 this span of irrigation? Where do they get 3 their water? 4 THE WITNESS: I believe from 5 Lake McConaughy. 6 BOARD MEMBER REIDA: Same place. 7 Okay. 8 BOARD MEMBER HUTCHISON: One 9 more question. 10 BOARD MEMBER REIDA: One more -- 11 and Kingsley hydro, how many megawatts max is 12 that? 13 THE WITNESS: I'll defer that to 14 the next witness exactly. 15 BOARD MEMBER REIDA: Okay. 16 Thank you. 17 BOARD MEMBER HUTCHISON: So the 18 map that we've been looking at includes, in 19 addition to the grayed -- or the contoured 20 areas, there are some lines in blue and red and 21 purple. I don't know if you described those. 22 But I don't remember. Can you describe -- what 23 are we looking at with the rest of this map 24 that -- 25 THE WITNESS: Sure.</p>

<p style="text-align: right;">Page 220</p> <p>1 BOARD MEMBER HUTCHISON: -- 2 behind the contoured areas? 3 THE WITNESS: Thank you. The 4 red lines in here are, I believe, Dawson's 5 distribution -- electrical distribution 6 system -- 7 BOARD MEMBER HUTCHISON: Okay. 8 THE WITNESS: -- and how it 9 overlaps and marries up with Central's 10 irrigation. 11 And then the larger area right here, the 12 largest area of light blue is what we refer to 13 as incidental recharge or water that helps keep 14 the -- water that seeps into the ground and 15 keeps the water table high that also benefits 16 and supports all of the groundwater irrigators. 17 Now, Central doesn't get paid for that. 18 But it is a benefit to the whole -- to the 19 whole Central Platte valley, and particularly 20 the area underlying Central's customers. 21 HEARING OFFICER TEXEL: I think 22 we have the answer but -- largely, but you said 23 the red lines on there were the Dawson's 24 distribution system. There's some that are 25 purple. Are those transmission lines or larger</p>	<p style="text-align: right;">Page 221</p> <p>1 sub transmissions? Or do you know? 2 THE WITNESS: I'll leave it to 3 someone else. I believe they are transmissions 4 lines. 5 HEARING OFFICER TEXEL: Okay. 6 THE WITNESS: But I'll let 7 someone else clarify that. 8 HEARING OFFICER TEXEL: There 9 are some blue lines at the end of the red 10 lines. So do we have another witness that can 11 clarify what each of those colors indicates? 12 MR. BRASHEAR: Yes. 13 HEARING OFFICER TEXEL: 14 Counsel's indicating yes for Central. So I'll 15 defer that question. But we might want to 16 clarify what each of the colors means, if it's 17 significant. 18 BY MR. BRASHEAR: 19 Q. Mr. Dicke, looking at the exhibit on 20 the easel, page 16 of, I think, Exhibit 21, 21 underneath the orange area there to the right 22 of that map, there are a number of lines. And 23 what does that represent? What do those 24 markings -- 25 A. Are you referring to these right</p>
<p style="text-align: right;">Page 222</p> <p>1 here? 2 Q. Yes. 3 A. Those are the irrigated tracts of 4 land that Central has contracts with. 5 Q. And so the canals run through that 6 area? 7 A. That's correct. 8 Q. At least some of the canals run 9 through that area? 10 A. Yes. 11 Q. Is the orange -- earlier there was 12 testimony related to the mound or at least 13 reference made to the mound. Could you -- do 14 you have an understanding what the mound is? 15 A. Yes. 16 Q. Could you explain what the mound is? 17 A. Yes. 18 Q. And what it refers -- that term 19 refers to? 20 A. The mound for a lot of people is when 21 they look at the University of Nebraska 22 groundwater map, a big blue spot. 23 It is a very -- substantial rise in the 24 water table, as much as 80 feet. 25 So when you're looking at static water</p>	<p style="text-align: right;">Page 223</p> <p>1 level under the ground, where it would be, you 2 know, with and without Central's system. 3 The water that comes through Central's 4 system incidentally recharges into the ground. 5 And from that, there's a big block of water, 6 it's surface water, that has created a very 7 large rise in the water table. And that's 8 referred to as the mound. 9 HEARING OFFICER TEXEL: Is 10 that -- where is that on this map? Page 16 of 11 Exhibit 21? 12 THE WITNESS: I don't believe it 13 is in this exhibit. 14 HEARING OFFICER TEXEL: Okay. 15 THE WITNESS: I would refer -- 16 HEARING OFFICER TEXEL: Well, is 17 the physical location on that -- on that 18 exhibit? 19 THE WITNESS: Yes. 20 HEARING OFFICER TEXEL: It's not 21 shown on there. I'm just wondering if -- where 22 in context it's at on this map, just -- 23 THE WITNESS: You bet. And we 24 do have an exhibit that shows it somewhere. 25 HEARING OFFICER TEXEL: Okay.</p>

Page 224

1 THE WITNESS: It is -- 37?
2 HEARING OFFICER TEXEL: If it's
3 going to come out later, if it's in another
4 exhibit, I guess it doesn't -- may not matter.
5 THE WITNESS: Okay. It is -- it
6 is this area right here where you see the
7 Central --
8 HEARING OFFICER TEXEL: The tan
9 or orangish area --
10 THE WITNESS: The tan with all
11 the --
12 HEARING OFFICER TEXEL: -- on
13 the lower right of this exhibit --
14 THE WITNESS: That's correct.
15 HEARING OFFICER TEXEL: -- on
16 page 16 of 20 -- Exhibit 21. Okay.
17 BY MR. BRASHEAR:
18 Q. And that's generally where the mound
19 is?
20 A. That's correct, generally.
21 Q. Could I have you turn, Mr. Dicke, to
22 page 10 of Exhibit 21.
23 A. Yes.
24 Q. Does that -- perhaps without the
25 overlying colors, does that give an accurate

Page 226

1 system back to the river.
2 Q. And does Exhibit -- page 10 of
3 Exhibit 21 indicate that there are actually two
4 river returns off of Central's canal system; is
5 that correct?
6 A. Yes, it is. That's correct.
7 MR. BRASHEAR: I have no further
8 questions.
9 HEARING OFFICER TEXEL: Mr.
10 Degan?
11 MR. DEGAN: Thank you.
12 BOARD MEMBER MOEN: Can I ask
13 one?
14 MR. DEGAN: Oh, sure.
15 BOARD MEMBER MOEN: You
16 mentioned earlier there's a parallel path that
17 goes down to Buffalo County, I think you said.
18 Is that -- that's parallel to the river and the
19 canals that Central manages?
20 THE WITNESS: It -- I
21 wouldn't -- there's a -- water released from
22 Lake McConaughy goes through what was shown on
23 Exhibit 10 and then eventually gets to the
24 north side of the river just to the west of
25 Kearney. And that -- that -- that's the canal

Page 225

1 representation of Central's canals, reservoirs
2 and the like?
3 A. Yes, it does.
4 Q. So the -- what are the blue lines on
5 page 10 of Exhibit 21? What -- what are those?
6 A. The blue lines are the canal system.
7 Q. And there's the term diversion, which
8 appears to be located near a pointer for
9 North Platte. What does diversion refer to?
10 A. The point at which water is taken out
11 of the river.
12 Q. And how is that done?
13 A. Through gates. There's a little
14 structure there -- I shouldn't say a little
15 structure. There's a structure that holds the
16 water. And then it's diverted into the -- into
17 the canal system.
18 Q. Into the canal. And then there's a
19 reference slightly further east on the river
20 that says river return. What does that refer
21 to?
22 A. That's where water is put back in --
23 into the river, and other irrigation canals can
24 pick that water up or if there's a substantial
25 rain. But it's an offshoot from the canal

Page 227

1 system called the --
2 HEARING OFFICER TEXEL: You mean
3 page 10?
4 THE WITNESS: Page -- yeah,
5 thank you. Page 10.
6 HEARING OFFICER TEXEL: I think
7 it's Exhibit --
8 MR. JARECKE: 21.
9 HEARING OFFICER TEXEL: -- 21.
10 THE WITNESS: Oh, thank you.
11 HEARING OFFICER TEXEL: I just
12 wanted to clarify that. Is it all --
13 BOARD MEMBER MOEN: So you
14 manage that water flow as well or just --
15 THE WITNESS: No, we do not
16 manage the Kearney Canal.
17 BOARD MEMBER MOEN: Okay.
18 THE WITNESS: It's served
19 through Lake McConaughy. The water that
20 eventually gets there is stored in Lake
21 McConaughy.
22 And then when the Kearney Canal and the --
23 they ask for their water, it's released
24 according to their appropriation.
25 BOARD MEMBER MOEN: That's

Page 228

1 essentially a parallel path out of the lake?
 2 THE WITNESS: To -- down the
 3 river and to that, yeah, I guess.
 4 BOARD MEMBER MOEN: Physically
 5 separate?
 6 THE WITNESS: Physically
 7 separate. Yeah, I'm stuck on parallel a little
 8 bit.
 9 BOARD MEMBER MOEN: Okay.
 10 THE WITNESS: Everything's
 11 running to the east.
 12 BOARD MEMBER MOEN: But on page
 13 16, the direct and indirect, you manage the
 14 flow of all those?
 15 THE WITNESS: We don't manage
 16 the flow. We manage Lake McConaughy. And the
 17 water is stored in Lake McConaughy for those
 18 others. If -- you know, if they ask for 200
 19 cfs, that's what's released. And we would
 20 press the button.
 21 BOARD MEMBER MOEN: Okay.
 22 THE WITNESS: But is that -- but
 23 if they ask for 500, we --
 24 BOARD MEMBER MOEN: That's still
 25 going -- is that still going through your first

Page 230

1 irrigation customers up along that canal there?
 2 THE WITNESS: That's correct.
 3 BOARD MEMBER HUTCHISON: Okay.
 4 THE WITNESS: About 5,000 of
 5 them.
 6 BOARD MEMBER HUTCHISON: Okay.
 7 So they're just not -- you can't see them. But
 8 they're there? There are customers up there?
 9 Okay.
 10 THE WITNESS: They're there. I
 11 don't have --
 12 BOARD MEMBER HUTCHISON: So
 13 those are not in the Tri County area? They're
 14 in Lincoln County or whatever -- Dawson County
 15 or whatever that area represents there?
 16 THE WITNESS: That's correct.
 17 BOARD MEMBER HUTCHISON: Okay.
 18 MR. DEGAN: Okay. Thank you.
 19 CROSS-EXAMINATION
 20 BY MR. DEGAN:
 21 Q. I just want to follow up on that and
 22 just make sure and clarify all of this. So I
 23 apologize if it's maybe perhaps a tad bit
 24 redundant. But I want to be clear that this
 25 orangish color, down here, those are Central

Page 229

1 hydro plant?
 2 THE WITNESS: Yes.
 3 BOARD MEMBER MOEN: Does it go
 4 through all four?
 5 THE WITNESS: It can, yeah.
 6 BOARD MEMBER MOEN: So some
 7 does; some doesn't?
 8 THE WITNESS: Yes.
 9 BOARD MEMBER MOEN: Okay.
 10 THE WITNESS: We're getting
 11 into -- it gets a little complicated. And
 12 to -- I mentioned the words cfs, and that's
 13 cubic feet per second.
 14 BOARD MEMBER MOEN: Okay. Thank
 15 you.
 16 BOARD MEMBER HUTCHISON: Just a
 17 real quick clarification. You mentioned the
 18 little -- on the direct surface water
 19 irrigation area of the Tri County area, there's
 20 a bunch of little boxes. And you said that's
 21 irrigated land. I don't see anything similar
 22 along the rest of the direct surface water
 23 irrigation yellowish area up -- upstream of the
 24 canal system.
 25 Is that -- but there are irrigated --

Page 231

1 customers that have Water Service Agreements --
 2 A. Correct.
 3 Q. -- agreed?
 4 Okay. And those customers have water
 5 allocations on water that's contained up here
 6 in Ogallala?
 7 A. Correct.
 8 Q. Okay. And when we were talking about
 9 this purple area, this indirect surface water
 10 irrigation, these are other irrigation
 11 districts; right?
 12 A. Correct.
 13 Q. So these customers don't have any
 14 direct agreement with Central?
 15 A. Not for -- not with a Water Service
 16 Agreement to deliver irrigation water to that
 17 land.
 18 Q. Not the end use customer?
 19 A. Not the end use customer, no.
 20 Q. Okay. So when we get back up here to
 21 McConaughy, Central owns Kingsley. You have
 22 control over the dam; correct?
 23 A. We own Kingsley.
 24 Q. Okay. And you own the reservoir as
 25 well; right?

Page 232

1 A. We own Kingsley and the reservoir.
2 Q. Okay. But you don't own all the
3 water that's in Kingsley; right? And
4 McConaughy; right?
5 A. There's -- as I mentioned before,
6 there's a pie chart. And there are other
7 people that have appropriations in Lake
8 McConaughy.
9 Q. And that's kind of what we get to
10 when we're talking about these other irrigation
11 districts and other canals because there are
12 other parties that also have rights in the
13 water in McConaughy?
14 A. Correct.
15 Q. Okay. And those rights can consist
16 of use rights?
17 A. Sure.
18 Q. Release rights? Flow rights?
19 A. I'll -- I believe there's quite a
20 few.
21 Q. Okay.
22 A. I -- there would be another, you
23 know, person that could testify to all of what
24 those are. But, yes, there is different uses
25 of Lake McConaughy.

Page 234

1 Q. Well, isn't there a water plan?
2 A. Yes, I think so.
3 Q. So --
4 A. I don't know exactly what that
5 quantity is.
6 Q. Okay. Well, is there a water
7 management plan that Central has at various
8 times had with NPPD concerning the management
9 and release of that water?
10 A. I believe it goes back a long ways.
11 Q. Okay. Do you have any responsibility
12 over that plan?
13 A. I do not.
14 Q. You do not. Okay. That's somebody
15 else within Central?
16 A. That's correct.
17 Q. Okay. Okay. And to be clear, the
18 Central water service customers, they're
19 ratepayers? They're paying for their water;
20 right?
21 A. They are.
22 Q. Okay. And these -- these groundwater
23 enhancement -- groundwater irrigators, they may
24 benefit from Central's canals and system, but
25 they're not paying -- they're not paying a

Page 233

1 Q. Okay. So with respect to your
2 customers, though, you're holding those water
3 allocations in trust for their benefit?
4 A. Yeah.
5 Q. So when you're deciding whether to
6 release or store water, you're doing it on
7 behalf of your surface water irrigators;
8 correct?
9 A. Yes.
10 Q. All right. But if you get a call
11 from an irrigation district in this -- in this
12 purple area that says we want X number of cubic
13 feet of water, you just have to release that
14 water if they've got the right to demand the
15 release of that water?
16 A. Yes.
17 Q. Okay. You don't have any discretion
18 over whether that water flows or not; right?
19 A. If they have a senior priority right.
20 Q. Okay.
21 A. Yeah.
22 Q. And, in fact, in the water rights in
23 McConaughy, NPPD's got rights for a certain
24 quantity of that water, do they not?
25 A. I believe so.

Page 235

1 water service rate?
2 A. Oh, no. The mound water certainly
3 creates a very large benefit to the groundwater
4 pumpers. They do not pay Central for that.
5 You know, it could be, you know, even
6 others that have an interest in this may only
7 have a very small or minor water service
8 contract with Central but own -- but are
9 considerable groundwater irrigators.
10 And so if, you know, there's not that
11 surface water irrigation coming down, it
12 jeopardizes the mound, and the water could go
13 way down. It would cost them more money. So
14 they have a very strong interest in it making
15 sure they don't lose their bottom dollar in
16 pumping costs.
17 So, yeah, there's a -- but, no, Central
18 doesn't get paid for that.
19 Q. So in purposes of keeping the lights
20 on, you get that from two revenue sources;
21 right? It's the -- the Water Service Agreement
22 revenues is one source; correct?
23 A. That is a source.
24 Q. Okay. Another source is -- of the
25 two main sources, I should say, would be sale

Page 236

1 of energy from the hydro units?
2 A. Those would be the -- two of the
3 larger sources, yes.
4 Q. Okay. And in fairness, Central has
5 additional revenue sources?
6 A. Correct.
7 Q. There's some other agreements and
8 projects that they have along the way. But
9 would you agree with me that those are the two
10 principal sources of revenue for Central?
11 A. I would say that they are two very
12 important ones, the power and the irrigation.
13 And then there's -- there's others.
14 Q. Okay. What proportion of total
15 revenues would you say would fall into the
16 other category?
17 A. Proportion of those revenues? A
18 substantial portion is from the power
19 production.
20 And then there -- the next two would
21 probably be irrigation and leased revenues.
22 Q. Okay. Do you have an understanding
23 that the hydro units were built specifically
24 for the purpose of providing revenues to
25 support the irrigation system?

Page 238

1 you're ready, let me know if you recognize
2 Exhibit 34?
3 A. I do.
4 Q. Okay. Do you recognize this as a
5 standard form Water Service Agreement used by
6 Central, this?
7 A. Yes, I do.
8 Q. And this in particular is a Phelps
9 Water Service Agreement?
10 A. Yes.
11 Q. Okay. How many different forms does
12 Central maintain and are those for different
13 divisions or different -- different canal
14 systems?
15 A. There are -- there's one for the
16 Phelps Canal system, one for the E65 system,
17 one for the E67 system, and one for the supply
18 canal.
19 Q. Would you agree with me that the
20 terms are generally consistent between those
21 three agreements?
22 A. Between those four agreements?
23 Q. Between those four agreements, at
24 least in its -- the form?
25 A. I would say that.

Page 237

1 A. I have heard that.
2 Q. Okay.
3 A. But I don't know that for a fact.
4 Q. Have you ever looked at Central's
5 history that they maintain and post on their
6 website?
7 A. Very recently I looked at a book, and
8 it was kind of ironic about Phelps County
9 farmers who came to the auditorium about 100
10 years ago and were in opposition of the
11 Tri County project altogether and got into a --
12 oh, they brought in 400 to 800 farmers to
13 protest the construction of the project. And
14 so they weren't necessarily thinking of the
15 future where things could go.
16 Q. Okay. You gave some testimony about
17 the Water Service Agreements.
18 MR. DEGAN: Counsel, could we
19 put Exhibit -- let's see here, it's Exhibit 34
20 in front of the witness?
21 MS. KREIFELS: 34?
22 MR. DEGAN: Yes, please. Thank
23 you.
24 BY MR. DEGAN:
25 Q. Mr. Dicke, take a moment. And when

Page 239

1 Q. Okay. The first point, if I could
2 turn your attention to would be Section 1(B)
3 which governs delivery of water service. So
4 we're in Section 1, which is the water service
5 section.
6 And then if you go to subsection B, we're
7 talking about the amount. It says that, "The
8 district will deliver from water made available
9 for use on said lands from appropriations
10 granted the district by the State of Nebraska
11 for the irrigation of each 40-acre tract during
12 each irrigation season a total amount of water
13 as nearly as practical that bears the same
14 relation to all of the water that the district
15 determines it has available for irrigation
16 during each irrigation season," period.
17 See where that's indicated?
18 A. Yeah, I do.
19 Q. Okay. So the first step is the
20 district makes a determination of how much
21 water to make available for water -- surface
22 water irrigators; would you agree?
23 A. Yeah.
24 Q. Okay.
25 A. Yeah.

<p style="text-align: right;">Page 240</p> <p>1 Q. And this section continues on that 2 the district -- 3 A. I would correct that. 4 Q. Oh. 5 A. I would say that the board ultimately 6 makes that decision. 7 Q. Okay. The district through its 8 board. Fair point. 9 And then the next paragraph, still in 10 Section 1(B) of Exhibit 34, states that, "The 11 district anticipates that during the irrigation 12 season, the amount of water it will deliver to 13 the owner under this agreement will be at the 14 rate of twenty-eight on-hundredths acre-foot, 15 slash, irrigated acre, slash, 14-day period and 16 agrees to make reasonable efforts to deliver 17 this amount, comma, if so requested by the 18 owner, comma, but shall incur no liability if 19 this delivery rate is not available, nor will 20 the owner be relieved from making the owner's 21 annual payments as set forth in paragraph 2." 22 See where that's indicated? 23 A. Yeah, I do. 24 Q. All right. Will you agree with me 25 that what this provides is that in the event</p>	<p style="text-align: right;">Page 241</p> <p>1 that the district, for whatever reason, decides 2 not to deliver water, it may -- it may do so? 3 A. It shall not incur. It's -- I 4 believe it says it will make every reasonable 5 effort. 6 Q. It will make every reasonable effort. 7 But we just touched on the provision above that 8 says it's within the district's discretion to 9 determine what releases will be made; correct? 10 A. If the board determines the -- you 11 know, there's a drought condition and they 12 would like to do that -- 13 Q. Okay. 14 A. -- then the board is privy to do 15 that. 16 Q. Certainly the purpose of Central is 17 to serve its water users, including the surface 18 water irrigators; correct? 19 A. As testified -- 20 Q. Okay. 21 A. -- what all the purposes are. 22 Q. And Central certainly always 23 endeavors to make that water available? 24 A. Yes. 25 Q. But there are events and there are</p>
<p style="text-align: right;">Page 242</p> <p>1 times when water's not available, and if one of 2 those events occurs, Central's, one, not 3 obligated to deliver any quantity of water, 4 would you agree? 5 A. If there are things, like, climatic 6 conditions that come up, like a drought, then 7 it -- you know, they -- they're not going to be 8 held liable according to this agreement. 9 Q. They're not going to be held liable, 10 and it also states that its obligation is to 11 deliver the same relation to all of the water 12 that the district determines it has available 13 for irrigation during irrigation season. 14 So it's within the -- it's within the 15 discretion of Central to determine what 16 quantity of water it has available for 17 irrigation; right? 18 A. Yes. 19 Q. Okay. And if it delivers nothing, 20 they're not liable; correct? 21 A. As the contract reads. 22 Q. Okay. But the customer's still 23 obligated to pay, even if no water is 24 delivered? 25 A. That's correct.</p>	<p style="text-align: right;">Page 243</p> <p>1 Q. All right. If I could have you turn 2 down to Section -- 3 A. And I might point out, I don't 4 believe Central's ever not provided water. 5 Q. Okay. At least in your knowledge, in 6 your period that you've been at Central? 7 A. That's correct. 8 Q. Okay. Have you been at Central 9 during periods that they had to allocate water? 10 A. I have not. 11 Q. Okay. So you haven't been through a 12 period of scarcity? 13 A. Not at Central. 14 Q. Not at Central. But at your prior -- 15 when you were doing groundwater irrigation? 16 A. Oh, it was the heightened point of 17 what I worked on so -- 18 Q. I'm sorry? 19 A. Water supply, making sure that 20 farmers have irrigation water. Usually I found 21 that if you give farmers all the water they 22 want whenever they want, they're usually pretty 23 happy. 24 Q. Okay. Sounds like a pretty common 25 sense approach to --</p>

Page 244

1 A. It's just what I've found. I don't
2 know.
3 Q. I won't quibble with that.
4 Okay. And in fairness, last year was a
5 dry year?
6 A. Yes.
7 Q. But Central was able to manage its
8 water resources and avoided having to allocate;
9 correct?
10 A. Correct.
11 Q. So Central was able to deliver all
12 the water that it had to deliver to NPPD;
13 correct?
14 A. As far as I know.
15 Q. In 2022?
16 A. Yeah.
17 Q. 2022. Are you also aware that
18 Central is obligated to release a certain
19 amount of water each year to comply with its
20 FERC license?
21 A. I am.
22 Q. And that's because of the
23 Environmental Protection Agency issue; is that
24 your understanding?
25 A. I understand it's a requirement for

Page 246

1 And so when they move into center pivot
2 systems -- which, you know, in this -- up and
3 down the valley, there's been a lot of pivots
4 put up in the last 20 -- 20 to 25 years.
5 And so, you know, that helps. And so
6 that's probably a -- you know, a -- you know, a
7 tremendous, you know, accolade to the producers
8 to watch how much water they're putting on and
9 when they're putting on.
10 And it helps everyone. And it puts more
11 water -- it allows water to last a little
12 longer in Lake McConaughy --
13 Q. Okay.
14 A. -- when those climatic conditions --
15 Q. And I may have you just perhaps
16 explain for the benefit of the board, when
17 you're talking about pipes and gates, you're
18 talking about the more antiquated system of
19 gravity-fed piping that brought water to the --
20 to the fields by virtue of gravity?
21 A. I am. Yeah. It -- where they lay
22 out the irrigation pipe and you slide it and it
23 runs down the rows versus now putting it
24 through a pivot or a large sprinkler system,
25 for a lack of a better explanation.

Page 245

1 the FERC license.
2 Q. Okay. But, again, even though 2022
3 was a relatively dry year, you were able to
4 meet your obligations under your FERC license?
5 A. That's -- yes.
6 And, you know, I might add, you know, the
7 drought comes, and the one fortunate thing
8 about our irrigation supply area is that a
9 substantial portion or more of our customers
10 are also -- have access to groundwater.
11 So there's some drought management in
12 that. And so we live in a great area. We have
13 a lot of water.
14 Q. And some of it is benefited by
15 technology; would you agree?
16 A. Absolutely. The amount of water that
17 was used by pivots in the year 2000 on
18 Central's system only -- and that consists of
19 approximately 108,000 acres -- I think there
20 was about 175, 177 pivots. And now there's
21 probably over 700 pivots. And that water
22 savings is tremendous, you know.
23 If you're looking at sandy soils and folks
24 are irrigating with a -- with gated pipe, that
25 water just trickles down.

Page 247

1 Q. It allows farmers to put water
2 directly where it's needed as opposed to just
3 flowing it into a field?
4 A. It reduces the loss of the water.
5 Q. Okay.
6 A. It's just more efficient.
7 Q. Okay. I'm going to have you turn to
8 Section 7 of the Water Service Agreement.
9 We're on Exhibit 34.
10 Just want to touch on this. There's a
11 discussion in here that states that, "The water
12 user must use the water for irrigation purposes
13 only."
14 And it further states, middle of Section
15 7, that, "The owner hereby consents to the
16 transfer of all water appropriations attached
17 to the above-described tract of land upon the
18 expiration of the term of this agreement or
19 prior to such expiration if said water
20 appropriations are not beneficially used for
21 the irrigation of crops as determined by the
22 district."
23 Okay. So let's stop there.
24 So, first, Central, the -- a water user,
25 if -- if his Water Service Agreement is

<p style="text-align: right;">Page 248</p> <p>1 terminated, they surrender their water 2 appropriations, do they not? 3 A. There is a 10-year prior 4 notification. And in this agreement, they 5 consent, they voluntarily allow that water to 6 be transferred. 7 Q. Okay. 8 A. And so as I mentioned earlier, 9 there's over time different agreements. And so 10 this is the agreement that's used now. 11 But there are other agreements that don't 12 have that clause. And if -- and so they can 13 maintain and hold that water appropriation. 14 But as more attorneys probably looked over 15 it, they said, heck, you know, let's -- let's 16 make this in here, that way if we have other 17 irrigators in the district that want to expand, 18 we don't lose that appropriation and we can go 19 ahead and transfer within the district to 20 irrigate those other lands. So it stays within 21 the district. 22 Q. Okay. But this is the current 23 version that you use; correct? 24 A. That's correct. 25 Q. Okay. And anybody that has signed</p>	<p style="text-align: right;">Page 249</p> <p>1 this agreement has already consented away their 2 appropriation right if they -- once the 3 agreement is terminated; correct? 4 A. In this -- in this agreement, they 5 consent to allow us to move it. 6 Q. Okay. And Central can terminate 7 these agreements either, one, by giving 10-year 8 notice; is that right? 9 A. That's correct. 10 Q. Okay. But the second part of that 11 clause that we just read says that the 12 agreement can also be terminated if the 13 district determines that they do not believe 14 that the user is using the water for a 15 beneficial purpose; isn't that what that 16 states? 17 A. What that states is verbatim. 18 Q. Okay. 19 A. Okay. And so where that is, is now 20 we're getting into Nebraska water law. And if, 21 you know, the state says if you're not using 22 your water beneficially, they can adjudicate 23 that. 24 We don't want all our district to lose 25 that. And so if they're not using it and</p>
<p style="text-align: right;">Page 250</p> <p>1 it's -- you know, there's conditions on that, 2 you know, like climatic conditions, then, you 3 know, that water -- you know, the state can 4 adjudicate anyone who doesn't use their water 5 beneficially. And so this comes out of that. 6 Q. Yeah, but that's not what this says. 7 This doesn't say the state can take your water 8 appropriation away. This says we can. 9 This is not saying that the Department of 10 Natural Resources, if they make a determination 11 that you're not using your water for beneficial 12 purposes, the state can take away your 13 allocation. This says Central can take away 14 your allocation. 15 A. Yes. 16 Q. Right? 17 A. This is exactly consistent with state 18 law. 19 Q. Okay. So Central holds for every one 20 of these agreements the power to take away 21 water right allocations. Would you agree 22 that's what the document says? 23 A. This agreement -- this agreement 24 allows them to consent for that water to be 25 moved and if -- if that -- if this agreement is</p>	<p style="text-align: right;">Page 251</p> <p>1 terminated. And I have not known Central to 2 terminate a Water Service Agreement. 3 Q. Okay. But I want to be clear because 4 the farmers that have signed these agreements 5 have already signed them. So they've already 6 consented; agree? 7 A. Yes. 8 Q. Okay. So Central holds in its hands 9 for anybody who signed this agreement the power 10 to terminate those allocated water rights; 11 true? 12 A. Under this agreement? 13 Q. Uh-huh. 14 A. Yeah. 15 Q. Then, again, you've said this is the 16 current standard water agreement that Central 17 uses; right? 18 A. That's correct. 19 Q. Last point is, this last sentence on 20 Section 7 says that, "The owner understands 21 that by this consent, the district may transfer 22 said water appropriations to other tracts of 23 land as the district in its sole discretion 24 deems fit." 25 See that?</p>

Page 252

1 A. Yeah.

2 Q. Now, what's puzzling to me is that's

3 not limited in any way to the use of the water.

4 It doesn't say to another allocated user. It

5 doesn't say, you know, pursuant to approval of

6 the Department of Natural Resources.

7 It just says to any other tract of land

8 that the district may see fit. Isn't that what

9 that says?

10 A. That's exactly what it says.

11 And, you know, looking at how that is, you

12 know, there are sometimes people come in and

13 they terminate their Water Service Agreement

14 after 10 years. And with that consent, you

15 know, that frees up that water -- that water to

16 go to another tract of land.

17 I believe we used this just recently for

18 the head of the comps to move water onto his

19 land just for that reason.

20 Q. But to any tract of land that the

21 district sees fit?

22 A. It's what it says.

23 Q. Okay.

24 MR. DEGAN: Thank you. No

25 further questions.

Page 254

1 able to make some determination that it's not

2 being beneficially used for irrigation of

3 crops.

4 So it can't be for just any reason; right?

5 They have to make some type of determination

6 that it's not being used for irrigation

7 purposes for crops?

8 THE WITNESS: Correct.

9 BOARD MEMBER HUTCHISON: Right?

10 So they can't just arbitrarily say, hey, I

11 don't think you're using this well in general;

12 right? I mean, can -- I mean --

13 THE WITNESS: Generally. I

14 mean, you're going to -- this gets into a lot

15 of what-ifs.

16 I mean, we're really dealing with water

17 coming down -- coming down the canal, going to

18 a farm field, to an ag field, to raise corn.

19 BOARD MEMBER HUTCHISON: Right.

20 THE WITNESS: And it -- you

21 know, if for whatever reason they, speaking

22 very hypothetically, didn't put any of it out

23 there for five years and it just ran into the

24 ditch, you know, maybe -- maybe people would

25 come to the board and go, hey, this is really

Page 253

1 HEARING OFFICER TEXEL: So if

2 the customer was using the water beneficially,

3 could the district end the contract and

4 reappropriate the water?

5 THE WITNESS: If Central were to

6 give a 10-year prior notification that they

7 were going to terminate it, that's when they

8 could.

9 HEARING OFFICER TEXEL: Then

10 they could do what I just said?

11 THE WITNESS: Yeah.

12 HEARING OFFICER TEXEL: Even

13 though the customer is using the water

14 beneficially?

15 THE WITNESS: It could. I've

16 never seen it.

17 HEARING OFFICER TEXEL: Sure.

18 I'm talking about their authority, not

19 practical use of it or whether they've

20 implemented it. Okay.

21 BOARD MEMBER HUTCHISON: Well, I

22 just want to make sure I understand.

23 What's the basis of that -- of your

24 perspective or opinion on that? Because I

25 mean, it appears as if the district has to be

Page 255

1 not beneficial because it's not really getting

2 used for the purpose it was intended for.

3 And so, yeah, that -- in that case. But

4 we haven't seen that.

5 And so if -- you know, it's getting put on

6 the land for irrigation. It's beneficially

7 used according to the water right.

8 HEARING OFFICER TEXEL: But

9 that -- okay. So I want to clarify now because

10 that seems like there's two different answers

11 because the one I asked is, even though the

12 customer's using it beneficially, you indicated

13 to me with a 10-year notice that Central could

14 cancel.

15 And I think what you told the vice chair

16 just now is that if it's being beneficially

17 used, it couldn't. So I'm a little confused.

18 THE WITNESS: There's two

19 options there.

20 So let's, for example, say that we have a

21 customer who doesn't ever pay. Okay? And that

22 would have nothing to do with the beneficial

23 use. You know, if we're not paying and we're

24 doing all kinds of service and we say, look,

25 this is a customer -- and I don't know that

<p>Page 256</p> <p>1 Central's ever done this. I actually asked. I 2 don't think they have -- that they could 3 terminate that, you know. 4 And then the other one is what -- the 5 beneficial use question. So it could be one or 6 the other. 7 HEARING OFFICER TEXEL: Okay. 8 So if a -- if a customer who pays hasn't 9 otherwise breached the contract and is 10 beneficially using the water, would the 11 district have authority with 10 years' notice 12 to end the contract for water use? 13 THE WITNESS: They could under 14 this contract. Under this one. 15 HEARING OFFICER TEXEL: Okay. 16 Okay. 17 BOARD MEMBER HUTCHISON: What 18 provision would provide that, just authority to 19 do that? Are you looking at Section 4, the 20 term? 21 MR. DEGAN: Yes. 22 THE WITNESS: Yeah, I have to 23 take off my glasses to read this. 24 Yes, under the term, item 4. 25 HEARING OFFICER TEXEL: Well, in</p>	<p>Page 257</p> <p>1 that -- did you have a followup question? 2 BOARD MEMBER HUTCHISON: No. Go 3 ahead. 4 HEARING OFFICER TEXEL: That 5 gives the 10-year notice provision. And what 6 I'm getting at -- and I think you answered, 7 though -- is the basis upon which the district 8 can do it. 9 You're saying if they give the 10 years' 10 notice under No. 4, under No. 7, they can do it 11 even though the customer hasn't breached and 12 they're beneficially using the water, 13 technically? 14 THE WITNESS: That's -- that's 15 the way I read it. 16 HEARING OFFICER TEXEL: Okay. 17 Okay. I just want to clarify that. Thank you. 18 MR. BRASHEAR: I just have one 19 redirect. 20 HEARING OFFICER TEXEL: Okay. 21 REDIRECT EXAMINATION 22 BY MR. BRASHEAR: 23 Q. I believe just one redirect. 24 Mr. Dicke, is Exhibit 34 that we've 25 been -- you've been discussing with counsel and</p>
<p>Page 258</p> <p>1 the board, that's a current agreement of 2 Central; is that correct? 3 A. It's a blank copy of a current 4 agreement. 5 Q. But it's the agreement Central would 6 use with a new customer on the Phelps Canal 7 today? 8 A. Yes, that's correct. 9 Q. Is it your understanding that this 10 will be the agreement if Platte River Public 11 Power and Irrigation District exists? 12 A. Yes. I mean, I would -- the board 13 would ultimately decide what agreement would be 14 brought in. But all these agreements are going 15 to carry on because the contracts were made. 16 Q. It's your -- but these are rights and 17 obligations of Central today; is that correct? 18 A. That's correct, yes. 19 Q. And you don't -- do you have any 20 reason to believe those will be different with 21 Platte River Public Power? 22 A. No. 23 MR. BRASHEAR: No further 24 questions. 25 HEARING OFFICER TEXEL: Okay.</p>	<p>Page 259</p> <p>1 Any further questions by the board or the chair 2 or Ms. Peck? 3 Okay. They're indicating no on the WebEx. 4 I don't see any from here. So I think that's 5 it for Mr. Dicke. 6 Thank you very much. 7 THE WITNESS: Thank you. 8 HEARING OFFICER TEXEL: Who's 9 your next witness, Mr. Brashear? 10 MR. BRASHEAR: We will call 11 Devin Brundage. 12 Hearing Officer -- Mr. Texel, would it be 13 open to a break perhaps before we start 14 Mr. Brundage? That may be -- 15 HEARING OFFICER TEXEL: I'm fine 16 with that. Let's take a short break. 17 MR. BRASHEAR: Ten minutes? 18 HEARING OFFICER TEXEL: Five to 19 ten minutes. 20 MR. DEGAN: Ten. 21 MR. BRASHEAR: Ten. 22 HEARING OFFICER TEXEL: We'll do 23 ten minutes. That sounds fine. We'll 24 reconvene -- we'll reconvene at ten till. 25 (2:40 p.m. - Recess taken.)</p>

Page 260

1 (At 3:14 p.m., with parties present as
2 before, the following proceedings were had:)
3 HEARING OFFICER TEXEL: Let's go
4 back on the record.
5 And I think we had just --
6 MR. BRASHEAR: We'll call
7 Mr. Brundage --
8 HEARING OFFICER TEXEL: Mr.
9 Brundage.
10 MR. BRASHEAR: -- as the next
11 witness.
12 DEVIN BRUNDAGE,
13 Called as a witness on behalf of CNPPID, being
14 first duly sworn, was examined and testified as
15 follows:
16 HEARING OFFICER TEXEL: Okay.
17 Could you state your name, spell it and give
18 your address.
19 THE WITNESS: My name is Devin
20 Brundage, D-E-V-I-N, B-R-U-N-D-A-G-E, 1615
21 Avenue F, Gothenburg, Nebraska.
22 HEARING OFFICER TEXEL: All
23 right. Mr. Brashear.
24 ///
25 ///

Page 262

1 beyond your electrical engineering degree?
2 A. No, I do not.
3 Q. Do you have other training or
4 certification that you've done since graduating
5 with your electrical engineering degree?
6 A. Industry trade-type stuff. But
7 nothing -- nothing relevant really.
8 Q. Okay. What is your relationship to
9 Central?
10 A. I am Central's general manager.
11 Q. And so you're an employee of Central?
12 A. Yes, I am.
13 Q. How long have you been employed by
14 the district?
15 A. I've been employed with the district
16 for over 30 years.
17 Q. And you're general manager today?
18 A. Yes, I am.
19 Q. How long have you been general
20 manager?
21 A. I've been general manager for a
22 little over four years.
23 Q. And what positions did you hold with
24 the district before that?
25 A. Was an engineer, a electrical

Page 261

1 DIRECT EXAMINATION
2 BY MR. BRASHEAR:
3 Q. Mr. Brundage, good afternoon.
4 A. Good afternoon.
5 Q. Where did you grow up?
6 A. I grew up small farm west of Cairo,
7 Nebraska.
8 Q. Cairo?
9 A. Cairo, Cairo.
10 Q. Cairo.
11 A. Your choice.
12 Q. I'll go with yours.
13 And where is that -- what county is that
14 located in?
15 A. It's located in Hall County. I lived
16 on a small dryland farm in my youth.
17 Q. And you graduated from --
18 A. I graduated from Centura High School.
19 Q. And then after that, you matriculated
20 to where?
21 A. From there went to Hastings College
22 to study physics for a while and then the
23 University of Nebraska-Lincoln and received a
24 engineering -- electrical engineering degree.
25 Q. And do you have further degrees

Page 263

1 superintendent, assistant division manager,
2 division manager, and then a general manager.
3 Q. What division were you involved with
4 in the division manager position?
5 A. In the division manager position, it
6 was a position that oversaw the infrastructure
7 and production of hydro from Lake McConaughy
8 down to Lexington. Though, we, being a small
9 company, overlapped a lot. And we did work
10 throughout the district for automation controls
11 and engineering.
12 Q. So you worked with the hydro
13 generation -- power generation side?
14 A. We worked throughout the district.
15 But, yes, primarily in that arena.
16 Q. Have you had duties -- before general
17 manager, have you had duties related to the
18 irrigation or irrigation delivery side -- side
19 of Central?
20 A. With respect to some of the
21 automation, the algorithms, conservation
22 methods that we could develop to help us do a
23 good job with our water resources to some
24 extent in that capacity, yes.
25 Q. What are your duties as general

Page 264

1 manager?
2 A. As a general manager, I am here to
3 help our board execute the mission and vision
4 of our district and to really kind of work with
5 them to develop the strategies that will make
6 sure that we are fulfilling our obligation as a
7 public power and irrigation district to -- to
8 our customers, to our constituents and to the
9 public and to the State of Nebraska.
10 Q. Do you report to the board directly?
11 A. Yes, I do.
12 Q. What is the mission of Central as you
13 understand it?
14 A. Our mission is that of a public power
15 and irrigation district, to be all that we can
16 be for the people that we serve, providing
17 surface water irrigation, power generation, the
18 recreational opportunities, enhancements to our
19 environment, economic development
20 opportunities.
21 It's a very multi-beneficial district.
22 And as you look back to our formation, I think
23 there was a lot to be said for the vision that
24 George Norris and George Johnson had in
25 creating this district.

Page 266

1 Q. You made a mention a moment ago to
2 George Norris, U.S. Senator George Norris that
3 most Nebraskans know. Is that who you're
4 referring to?
5 A. That is correct. That is correct.
6 Q. You also made mention to George
7 Johnson. Who is George Johnson?
8 A. George Johnson was an engineer.
9 Again, urban legend says he held multiple
10 engineering degrees.
11 But I think he was Nebraska's state
12 engineer for a number of years, assisted in the
13 construction of the Capitol, a very smart
14 individual and was really the architect of our
15 district.
16 When he worked with our founding board,
17 McConaughy, Kingsley and those folks, he was
18 the guy that said, hey, I understand your
19 plight, come with me, I've got something for
20 you.
21 Q. Are you -- you familiar with the
22 history of Central?
23 A. Yes, I am.
24 Q. How would you say the mission of
25 Central has remained the same and how has it

Page 265

1 It was all about making sure that these
2 resources could be maximized for the benefit of
3 the people of central Nebraska.
4 And even then, I think the vision was even
5 maybe more grandiose than we believe as we -- I
6 think you heard testimony earlier, we provided
7 transmission services. We were part of the
8 transmission entity in the state.
9 We had a vested interest in a coal-fired
10 plant in Bellevue, Nebraska, of all places.
11 As you read our original charter, our
12 district was the product of these folks' vision
13 that we could take these resources and build
14 something for the people of this state that
15 could go -- go on and provide opportunities for
16 prosperity where some just saw a problem.
17 Some just saw a problem that there wasn't
18 enough water on the ground. And that could
19 have easily been solved with a diversion
20 structure and diverting some water.
21 When you have vision, you say, no, I can
22 go beyond that, we can set ourselves up for
23 success and set our citizens up for success for
24 the long term by -- by taking a little bit step
25 back and a grander view of what we can be.

Page 267

1 changed over its time?
2 A. Yeah, I think I just alluded to the
3 fact that, you know, we existed as this entity
4 that was part of the transmission system,
5 generating energy with coal and hydro.
6 And over time, you have to make sure that
7 you are providing the maximum value. And so,
8 yeah, recreation was not a thing in 1940. I
9 think it was probably safe to say that people
10 were more concerned about eating and going to
11 work and coming home and repeating. Recreation
12 became a thing.
13 In 1940, oddly enough, groundwater
14 irrigation was unknown. Surface water
15 irrigation was the only way to provide water to
16 crops. If -- if they had the technology in
17 1930, folks in south central Nebraska would
18 have punched holes in the ground and began
19 pumping water. They did not. Today we have
20 that option.
21 So the mission of groundwater recharge
22 really became evident as the district evolved
23 and what was referred to as this nuisance
24 drainage water that caused people issues with
25 their basements turned into a valuable

Page 268

1 commodity that we could work with everybody
2 throughout the region on to provide
3 opportunities for irrigation customers on every
4 part of the reach of the river from Lake
5 McConaughy to Minden.
6 Q. You described a pretty broad mission
7 as you talked about it now. Would you -- would
8 you say the board shares the understanding of
9 that mission generally?
10 A. Absolutely. I force our board chair
11 to read it every -- every board meeting.
12 Q. To -- what do you mean by "it"?
13 A. Our mission statement.
14 Q. And those concepts are articulated in
15 the mission statement of Central?
16 A. Yes, they are.
17 Q. With regard to the board, how is
18 Central governed today?
19 A. Today our board is governed by 12
20 board members elected from 6 counties.
21 Q. Okay. And how many -- is there a
22 chartered territory of Central?
23 A. There is a current chartered
24 territory. That has changed over time.
25 The original charter was chartered

Page 270

1 Q. And that area is sometimes referred
2 to as the Tri Basin counties?
3 A. Tri -- it's colloquially called
4 Tri County.
5 I'm not sure if Adams, Phelps and Kearney
6 weren't the original Tri County. But neither
7 here nor there. Yeah, that it is the --
8 what's -- it's referred to by some.
9 Q. And so you said there's a 12-member
10 board. There are nine coming from the three
11 chartered territory counties?
12 A. That's correct.
13 Q. Where do the other three come from?
14 A. From Lincoln, Dawson and Keith
15 Counties.
16 Q. One from each?
17 A. One from each.
18 Q. Are directors of Central popularly
19 elected?
20 A. They are elected at the general
21 elections, correct, by all voters within those
22 counties.
23 Q. So any registered voter within that
24 county, that subdivision, can vote for that
25 director slot?

Page 269

1 territory in Adams, Phelps and Kearney
2 Counties.
3 And today our charter contains Phelps,
4 Kearney and Gosper Counties as chartered
5 territories.
6 Q. And from the chartered territories,
7 we've heard testimony today regarding three
8 directors being elected from each of the
9 chartered territory counties?
10 A. That is correct.
11 Q. Did -- how does Central -- let me ask
12 the question, how does Central currently --
13 does Central subdivide its territory today?
14 A. Are you speaking with respect to --
15 Q. Does it elect directors at large, or
16 does it elect them by districts?
17 A. They are elected on a geographical
18 basis by county lines.
19 Q. So each county is its own
20 subdivision?
21 A. That is correct.
22 Q. So from Furnas -- or, I'm sorry, from
23 Gosper, Phelps and Kearney County, there are
24 three directors elected from each?
25 A. From each, that is correct.

Page 271

1 A. That is correct.
2 Q. Do you have any idea of how many
3 voters there are in Central today?
4 A. Actually, I think in doing some
5 research, I think we're in that 85,000-person
6 range perhaps.
7 Q. Do you have any idea of how many
8 irrigation customers Central has today?
9 A. Today Central has accounts for 1,100,
10 approximately 1,100 accounts.
11 Q. Can individuals own more than one
12 account?
13 A. They can.
14 Q. Okay.
15 A. So it is likely less than 1,100
16 people.
17 Q. Okay. Mr. Brundage, I'd like you
18 to -- we'll give you Exhibit 36.
19 Mr. Brundage, are you familiar with this
20 exhibit?
21 A. Yes, I am.
22 Q. And is this exhibit captioned revenue
23 sources and bears the Central logo?
24 A. Yes, it is. And, yes, it does.
25 Q. And would you describe what -- what

<p style="text-align: right;">Page 272</p> <p>1 this exhibit -- your understanding of this 2 exhibit and what it's communicating? 3 A. This is a graph our finance officers 4 put together that depicts the general revenue 5 sources from the district from the year 2000 to 6 year 2022. 7 Q. And how many revenue sources are 8 depicted on this exhibit? 9 A. On this exhibit, there's four revenue 10 sources, hydro generation, irrigation 11 deliveries. They call it lot fees. That is 12 leasehold interests around our regulating 13 reservoirs for recreational interests. So they 14 pay a lease for those -- the ability to have a 15 cabin right on the water's edge. 16 And then the final one is recharge or -- 17 they call it miscellaneous irrigation. Really, 18 it is intentional, purposeful recharge 19 contracts, agreements. 20 HEARING OFFICER TEXEL: What -- 21 what does that mean, recharge agreements? 22 THE WITNESS: Okay. 23 HEARING OFFICER TEXEL: I'm not 24 sure what that entails. 25 THE WITNESS: You've gotten a</p>	<p style="text-align: right;">Page 273</p> <p>1 lot of water today. And I know that. So I'll 2 do everything I can to help you talk about some 3 more of these water pieces. They are -- 4 they're very intricate. And there's a lot of 5 detail to it. So, by all means, any questions 6 that go along with that. 7 So intentional recharge agreements. So we 8 talked about you put water on the ground. Some 9 of it seeps into the aquifer. And some of it 10 seeps out of the canals. And it bolters the 11 aquifer, brings the aquifer up. 12 We can do that sometimes intentionally. 13 Now, there's requirements in the river that say 14 you must have this much in there. But 15 sometimes there's more in the river -- you were 16 all around in 2019 when the huge floods came. 17 Gee, wouldn't it be good if we could take some 18 of that extra water and beneficially put it in 19 the ground ahead of time for future use. That 20 helps us long term manage the resources better. 21 So we've developed these over time. You 22 can see that they really only started back in 23 the mid 2000s. We continue to innovate and 24 find ways to make our water supply more 25 sustainable. Intentional recharge agreements</p>
<p style="text-align: right;">Page 274</p> <p>1 are one of those tools. 2 And so the ability to come up with the 3 ability to work with our partners up and down 4 the stream to put water back into the aquifer 5 is good for everybody. And so we -- we entered 6 into those agreements. 7 HEARING OFFICER TEXEL: Who pays 8 you for the recharge agreement? 9 THE WITNESS: So currently -- 10 and I'll just talk about right now because I 11 think -- 12 HEARING OFFICER TEXEL: I may be 13 jumping ahead. But I want to follow this 14 stuff. 15 BOARD MEMBER GOTTSCHALK: I have 16 the same question. 17 HEARING OFFICER TEXEL: Okay. 18 THE WITNESS: So this is -- this 19 kind of -- I'll call it, this 15-year period 20 has really been, I think, us getting our feet 21 on the ground, around -- our head around some 22 of these concepts. 23 Great aside that Mr. Brashear talked about 24 has your mission changed over time, that wasn't 25 contemplated that you would do things like this</p>	<p style="text-align: right;">Page 275</p> <p>1 in the 1940s. 2 Today we have the ability to step back and 3 say, hey, we understand today how water works 4 much better than we did before, let's -- let's 5 capitalize on that and work together for the 6 benefit. 7 So the question who pays, so we have just 8 signed, I think, was probably the largest 9 recharge agreement and longest because we've 10 proven this works with the State of Nebraska 11 and with the Platte River Recovery Program, the 12 same folks that ensure the habitat piece under 13 our FERC license. So they are helping us put 14 water back in the ground and to recharge that 15 aquifer. 16 HEARING OFFICER TEXEL: Is the 17 Platte River Recovery -- what was it? 18 THE WITNESS: Program. 19 HEARING OFFICER TEXEL: Program, 20 is that part of state or run by the state? 21 THE WITNESS: That is an 22 organization that is sanctioned by Colorado, 23 Wyoming, the Bureau of Reclamation -- 24 HEARING OFFICER TEXEL: Okay. 25 THE WITNESS: -- Fish and</p>

<p style="text-align: right;">Page 276</p> <p>1 Wildlife Service to implement programs that 2 will achieve what the goals and requirements 3 are for the affected habitat reach under the 4 Endangered Species Act. 5 HEARING OFFICER TEXEL: So it's 6 something like a compact agreement? 7 THE WITNESS: It's like a 8 compliance -- a compliance arm. 9 HEARING OFFICER TEXEL: 10 Compliance agreement -- 11 THE WITNESS: That's correct. 12 HEARING OFFICER TEXEL: -- 13 between the States? 14 THE WITNESS: Right. 15 HEARING OFFICER TEXEL: And you 16 said that there's some requirement that the 17 river have so much water in it. 18 THE WITNESS: That's correct. 19 HEARING OFFICER TEXEL: Who 20 imposes that requirement on Central? 21 THE WITNESS: So that is 22 currently -- and, again, these are -- these are 23 things that continually get looked at, and 24 there's new science that we try to apply. 25 But as the program was built back in</p>	<p style="text-align: right;">Page 277</p> <p>1 the -- in the late '90s, early 2000s, they 2 developed what they called target flows, what 3 they felt at the time the river needed to kind 4 of be made whole to provide adequate resources 5 for the species in the river at the time. 6 HEARING OFFICER TEXEL: Who's 7 they? 8 THE WITNESS: That's, again, 9 this consortium of -- 10 HEARING OFFICER TEXEL: This is 11 the interstate -- 12 THE WITNESS: Yeah, yeah. 13 HEARING OFFICER TEXEL: -- 14 interstate agreement group? 15 THE WITNESS: That's correct. 16 HEARING OFFICER TEXEL: That's 17 who requires -- 18 THE WITNESS: Right. 19 HEARING OFFICER TEXEL: -- how 20 much water should be -- 21 THE WITNESS: That's who 22 developed these -- developed these kind of 23 target flows. 24 HEARING OFFICER TEXEL: Minimum 25 water flows?</p>
<p style="text-align: right;">Page 278</p> <p>1 THE WITNESS: Minimum, yep, 2 that's correct. 3 HEARING OFFICER TEXEL: Okay. 4 Okay. 5 THE WITNESS: That doesn't mean 6 that something has to be done if those targets 7 aren't met. But that is a threshold by which 8 you can say, okay, we have met the needs, you 9 know, now is there something else I can do on 10 top of that. 11 HEARING OFFICER TEXEL: Do you 12 have an agreement with the state then to comply 13 with the interstate compliance agreement that 14 the states have? 15 THE WITNESS: So actually the 16 state DNR is part of that program committee. 17 They are a member of what they call the 18 governance committee. 19 So there's an entire group of folks. 20 Central is a member of the governance 21 committee. As a downstream water user, we have 22 a seat on that board so that we can provide 23 input as to what is good science, what is the 24 right way to use some of these resources. So 25 we are part of that. And the State of Nebraska</p>	<p style="text-align: right;">Page 279</p> <p>1 is part of that. 2 The agreement that I referenced earlier 3 really is a different agreement with the state 4 directly. And that goes to the state's 5 requirements to make sure that -- throughout 6 the basin, that our offsets to depletions are 7 met. 8 So if you thought we were getting deep 9 into the water before, I can go as far as you 10 want to with this. But as we drill groundwater 11 wells, that has the opposite effect of what 12 Central's done over time; right? You pull 13 water out of the ground. 14 Well, there's been a lot of groundwater 15 development in the years since Central's 16 existed. And that can reduce groundwater 17 levels. And so our NRD partners are -- have 18 that obligation. 19 And I'm sure many of you have heard 20 about the Republican Compact and everything 21 that goes into that. They have a different 22 problem. They have not enough water in the 23 aquifer, and so there's allocations on their 24 groundwater to maintain levels, make sure that 25 they are not depleting the stream flows into</p>

Page 280

1 the Republican, which, again, flows back into
2 the Republican Compact.
3 But I've -- I've digressed to some extent.
4 But I think it's important to note that when
5 you think about those historic agreements with
6 the Platte program, you're saying to yourself,
7 well, they're -- they're paying some of your
8 costs to put water on the ground in your
9 irrigation area in the off-season to what end?
10 Well, the end and on this -- this chart,
11 you can see that that big purple splotch -- and
12 it's not even drawn big enough there, I'll tell
13 you that. It extends further. Those impacts
14 of putting water in the ground result in return
15 flows.
16 And those return flows are water that flow
17 back into the river. And the Platte program
18 says that's a good thing. Base flows, water
19 that flows back into the river after being put
20 in the ground, beneficial use for the habitat.
21 The State of Nebraska, the NRDs, they are
22 interested in putting water in the ground to
23 mitigate those depletions so that groundwater
24 pumping -- and this is -- this is an important
25 point -- groundwater pumping can go on.

Page 282

1 river? It provides certainty that that
2 groundwater recharge affects the entire area
3 and they can continue to pump water well into
4 the future.
5 Does that impact a Dawson customer that is
6 pumping groundwater out of the ground? Do they
7 have a vested interest in making sure that
8 multitudes, quantities, sufficient quantities
9 and as much water as you can gets applied to
10 the mound? They absolutely do. 40 percent of
11 their load is irrigation load.
12 HEARING OFFICER TEXEL: When you
13 talk about the --
14 THE WITNESS: Sorry.
15 HEARING OFFICER TEXEL: -- big
16 purple splotch, which exhibit is that?
17 MS. KREIFELS: 43 -- no. 21.
18 MR. BRASHEAR: Page --
19 MS. KREIFELS: Page 16 of
20 Exhibit 21.
21 HEARING OFFICER TEXEL: Okay.
22 MR. BRASHEAR: Actually, not to
23 interrupt, but, Mr. Brundage, I'm wondering,
24 let's look at Exhibit 37 because I believe that
25 is what you're kind of referring to.

Page 281

1 If I am depleting my aquifer too much, I
2 have to put restrictions and controls on my
3 groundwater pumping.
4 If I can come up with a method to make
5 sure that I am keeping up my aquifer
6 adequately, providing opportunities to put
7 water back in the ground, I can continue to
8 pump water from my groundwater irrigation
9 wells.
10 So does that just mean underneath my -- my
11 area where I'm putting water on the ground?
12 No, it does not. It helps everybody.
13 And so when you see the big purple
14 splotch -- and this is -- this is coming
15 completely back around to the question of the
16 marriage of water and power and the beauty that
17 I think our forefathers saw.
18 Central Platte NRD is one of the folks
19 that is continuing to help pay through the
20 state for recharge.
21 Where does Central Platte NRD operate?
22 Well, they operate in Dawson and Buffalo
23 Counties and further east.
24 Why are those folks interested in putting
25 water in a mound on the other side of the

Page 283

1 MS. KREIFELS: Exhibit 36. 37.
2 MR. BRASHEAR: Yeah, 37.
3 BY MR. BRASHEAR:
4 Q. We'll get that --
5 A. I'll apologize. We're on 36.
6 Q. We're going to come back to this.
7 A. Okay.
8 Q. You were talking about --
9 HEARING OFFICER TEXEL: So are
10 we switching to 37?
11 MR. BRASHEAR: Yes.
12 HEARING OFFICER TEXEL: Exhibit
13 37?
14 MR. BRASHEAR: Yes.
15 HEARING OFFICER TEXEL: Okay.
16 BY MR. BRASHEAR:
17 Q. So Exhibit 37, Mr. Brundage, what's
18 that labeled?
19 A. This is the groundwater-level change
20 map. And it's labeled predevelopment to the
21 spring of 2021. So --
22 Q. Is this helpful to the discussion you
23 were just having?
24 A. I think it can be.
25 If you -- you heard testimony earlier

<p style="text-align: right;">Page 284</p> <p>1 about the big blue spot on the university map. 2 If you look on the middle of the area down 3 there towards the bottom, you'll see the big 4 blue splotch. 5 That is a change in groundwater elevation 6 from -- when they say predevelopment, what they 7 mean is before our districts, before there was 8 development on the river until today, 9 basically. 10 And you see, you know, 60-, 70-, 80-, in 11 some places in Gosper County maybe as much as 12 100-foot rise in that groundwater elevation. 13 That's a lot of water, my estimation's maybe as 14 much as 2 million acre-feet, the amount of 15 water that's held in Lake McConaughy above 16 ground, but a huge benefit to providing, again, 17 these offsets for environmental flows, these 18 offsets for groundwater pumpers. 19 And it isn't just there. You look 20 upstream a little bit, you see some nice dark 21 green spots as well. Those are the areas where 22 that water is transmitted from Lake McConaughy 23 through those canals, through those hydros. 24 They leak out of the lakes just as well as they 25 leak out of the canals and the irrigated area.</p>	<p style="text-align: right;">Page 285</p> <p>1 NPPD's system near Sutherland and 2 North Platte, Lake Maloney, those provide 3 that -- part of that green splotch. 4 That water from Lake McConaughy is 5 recharging that area from McConaughy to 6 Lexington every day of the week. Every day 7 that there's water in that system producing 8 electricity -- and we run 365 days a year -- 9 it's providing that recharge benefit, even in 10 that area. 11 The fact that it is there and the fact 12 that it operates provides those benefits. 13 Hopefully that is helpful to understanding 14 the concept of that recharge in the groundwater 15 mound a little bit. 16 MR. BRASHEAR: If there are 17 other questions, I don't -- just on this line, 18 but, otherwise -- 19 HEARING OFFICER TEXEL: I don't 20 have any more. 21 BOARD MEMBER MOEN: I just have 22 a question. Earlier we heard there's no money 23 involved for recharge. But here we're 24 showing -- is that there was no contracts to 25 farm end users surface water?</p>
<p style="text-align: right;">Page 286</p> <p>1 THE WITNESS: I think maybe 2 the -- maybe the -- just discernment is between 3 an individual groundwater pumper as opposed to 4 a state. 5 BOARD MEMBER MOEN: Okay. 6 THE WITNESS: Or something along 7 those lines. 8 BOARD MEMBER MOEN: Okay. 9 MR. BRASHEAR: I'm sorry. 10 BOARD MEMBER HUTCHISON: So the 11 Platte River Recovery Program -- 12 THE WITNESS: Yes. 13 BOARD MEMBER HUTCHISON: -- is 14 the entity -- or a main entity that's paying; 15 is that what I understood you to say? 16 THE WITNESS: So they are -- it 17 gets a little complicated. You have all of 18 these Colorado and Wyoming and Nebraska 19 participating in this. And there's monies that 20 flow from the federal government, from the 21 state governments into the organization to do 22 things, like, habitat restoration but, also, to 23 provide for some water. And so that -- that 24 ability for them to help us recharge is part 25 of -- part of that mission.</p>	<p style="text-align: right;">Page 287</p> <p>1 The Platte River Program is the umbrella 2 that, under the guidance of all of those board 3 members from throughout those organizations, 4 make those decisions. 5 BOARD MEMBER HUTCHISON: So I 6 think it's great that Central is able to do all 7 those things today. 8 I guess the question that we have before 9 us is, does this merger allow you to do that 10 better? 11 THE WITNESS: I think it does. 12 BOARD MEMBER HUTCHISON: How so? 13 THE WITNESS: So within the -- 14 so you just heard that question how does -- how 15 does these people that pump groundwater 16 benefit. 17 You know, when those people are your 18 customers and the ability to help them help you 19 manage the water resource, it becomes a 20 potent -- a potent thing that you can really 21 apply. 22 You've heard -- probably heard about the 23 South Platte Canal and Reservoir Project. 24 Perkins -- sorry, I'll say it like you hear it 25 in the news, Perkins County Canal.</p>

<p>1 BOARD MEMBER HUTCHISON: Okay. Page 288 2 Yes. 3 THE WITNESS: Big project. Very 4 important to water. Central's been a 5 participant in the focus group for many years, 6 trying to help push along this -- this -- this 7 program, when you have your organization with 8 your folks, your new customers that are part of 9 that conversation saying, no, that is a good 10 thing, that is good for us, more water 11 sustainability is good for me as a groundwater 12 pumper and then you open up doors to say what 13 else can I do for -- for water sustainability. 14 What if I have a customer -- and let's 15 look at your -- this will get into the weeds a 16 little bit. If you want me to stop, just say 17 so. 18 But as you look at this groundwater map, 19 you see up here above the Platte River -- 20 HEARING OFFICER TEXEL: Exhibit 21 37? 22 THE WITNESS: I'm sorry, on 23 Exhibit 37. If you look at the area above the 24 Platte River -- 25 BOARD MEMBER HUTCHISON: Yes.</p>	<p>1 THE WITNESS: -- you see -- you Page 289 2 see not a lot of change, pretty flat and 3 steady. 4 But you -- on this map over here, you see 5 irrigation going on. You see a lot of 6 irrigation going on, more acres probably than 7 Central serves with water out of Lake 8 McConaughy. 9 HEARING OFFICER TEXEL: And this 10 map over here is page 16 of Exhibit 21? 11 THE WITNESS: That's correct. 12 MR. BRASHEAR: Correct. 13 THE WITNESS: That's correct. 14 So as we think about that, you're saying 15 to yourself, well, why no big mound, why no big 16 blue splotch over there, they've been operating 17 just as long, if not longer, than Central has 18 been, why is there no big groundwater rise over 19 there. 20 Well, the fact of the matter is it's 21 geology. Central's system is built up clear on 22 this plateau another step above. 23 These other canals lie kind of in the 24 valley, valley bed. And their geology below 25 them allows that water to hit the gravels and</p>
<p>1 sands and returned right back to the river. Page 290 2 Can't build -- can't build a mountain out of 3 wet sand. It spreads out. It goes back to the 4 river. 5 So when I think about innovative ways that 6 our districts can work together, when it's -- 7 when there's times of drought -- and you've 8 heard testimony today about times of drought 9 and our customers allocating, being allocated, 10 not being able to receive an allotment of 11 water, the -- let's step back for a second and 12 think about that. 13 Did -- did any of the other canals receive 14 an allocation of water? The answer is no. 15 If you had it in your best interest to do 16 the very best job that you could with that 17 water, you would work with producers to say 18 you're in an area where you can't really affect 19 the mound, would you be willing to work with us 20 if I come up with a conjunctive management -- 21 and I'm going to use more words than you want 22 to use -- but a -- a program where you can be 23 part of the solution to ensure that we have a 24 sustainable amount of water, if I were to let 25 you tap into that aquifer that we maintain and</p>	<p>1 in those very driest of years be able to use Page 291 2 that water, that would allow us to continue to 3 have enough water year after year after year to 4 provide that water down to south central 5 Nebraska where it will continue to recharge the 6 aquifer. 7 Is there a day when you have the 8 thousand-year drought and you have to work with 9 folks to make sure that there's adequate 10 irrigation for all? Sure. 11 But in the short term, I think you've 12 improved your ability to manage the water 13 resource by incredible factors when you can get 14 producers to partner with you to make sure that 15 there's adequate water supplies for years to 16 come and make sure that you're bringing that 17 water through the most hydros that you can on 18 the way to put it in the very best place that 19 you can, south central Nebraska where you can 20 store it underground. 21 BOARD MEMBER HUTCHISON: So let 22 me summarize really quickly what I heard you 23 say. I heard you say that there's 24 opportunities to collaborate with the -- the 25 darker purple in the middle irrigation district</p>

<p style="text-align: right;">Page 292</p> <p>1 and those customers that are water customers; 2 right? 3 THE WITNESS: Correct. 4 BOARD MEMBER HUTCHISON: For 5 them to cooperate -- coordinate with the 6 Central water customers? 7 THE WITNESS: Correct. 8 BOARD MEMBER HUTCHISON: But 9 that's not what this merger is doing; right? 10 You're not merging with that irrigation 11 district. You're merging with the entity that 12 provides electricity to them. 13 So explain that to me because that's what 14 we're approving. 15 THE WITNESS: Right. So I'm 16 merging with that company that provides 17 electricity that will help pump water out of 18 the ground or pump water out of that canal. 19 Central is all about water and irrigation 20 and water management. 21 The ability to sit down with those 22 customers in a -- in a way to provide 23 incentives for them to say, hey, yeah, that 24 would be a -- that would be a great deal for me 25 if you set me up with a way to use the surface</p>	<p style="text-align: right;">Page 293</p> <p>1 water when there's plenty. In 2019, let's get 2 everybody and their brother putting water on 3 the ground because that's helpful to everyone. 4 And when it's 2006 and there's not much, would 5 you be a partner with me and we'll switch you 6 over to groundwater. 7 BOARD MEMBER HUTCHISON: It 8 appears to me as if you're making an argument 9 that there's a benefit of irrigation districts 10 cooperating together. 11 I don't hear you making an argument for 12 how the electric service that's being provided 13 to those same -- if there's a benefit of 14 combining that electric service with your water 15 service. 16 THE WITNESS: So the benefit 17 from the financial side -- and that's what 18 we'll get into next -- is using -- and we can 19 talk a lot about the ability to use the hydro 20 to shave peak on the customers, new 21 distribution customers. 22 And that's a financial advantage. That's 23 what the -- the study was -- was really focused 24 on making sure that we understood how those two 25 would work together.</p>
<p style="text-align: right;">Page 294</p> <p>1 So the generation would go and replace -- 2 I think you've heard other people talk about 3 replacing those most expensive megawatts at the 4 right time of the day, and that is a financial 5 advantage and savings. That reduces costs for 6 everybody. 7 You've got four lines on the graph. If I 8 can improve any of them or create new ones -- 9 the costs are fixed; right? McConaughy's a big 10 thing. It's very expensive. That's the 11 largest -- at one time, it was the largest 12 hydraulic-filled dam in the world. They're not 13 cheap to maintain. 14 And as we find customers, stakeholders, 15 you know, even now leaseholders, groundwater 16 rechargers, everybody that participates helps 17 lower the cost because we are public power and 18 irrigation, the lowest cost, making sure that 19 we're not doing any more than we have to to 20 make sure that the rates are low. 21 When I keep the rates low for the water, 22 customers want to keep using the water. As 23 they keep using the water, you bring the water 24 into the neighborhood, you continue to 25 recharge. It benefits everyone.</p>	<p style="text-align: right;">Page 295</p> <p>1 BOARD MEMBER HUTCHISON: Do you 2 think that there's a benefit -- you -- you're 3 making an argument that the water cost is going 4 to decrease. Do you think the water cost is 5 going to decrease so there's a benefit to the 6 electric customers, will that be seen in lower 7 electricity costs? Or for the water rates? 8 THE WITNESS: So as -- as 9 they've -- as the study would indicate, as you 10 look at it, using the generation -- that's a 11 resource that Central has today -- against the 12 energy load can be looked at as two parts. 13 So the first part is what didn't I get by 14 selling it; right? So I could sell it like 15 PPA, like Central started doing in the '90s. 16 Prior to that, you know, we -- those hydro 17 plants really were serving those customers; 18 right? Because it was a different time, 19 different area -- era. We were -- we were part 20 of the grid. We were serving that load. 21 Today it changed. What if I could use 22 that generation with those customers. If I use 23 it with those customers, there's a portion of 24 it that I didn't get to sell. 25 So that was, in the study, indicated as a</p>

Page 296

1 chunk of money that you'd have to say this is
2 for hydro irrigation benefit.
3 And then on top of that, there's the
4 savings by chart -- carving off those very most
5 expensive megawatts and they said, well, here's
6 an allocation method you could use to say some
7 of that money goes to saving energy payers'
8 money and saving water users' money.
9 HEARING OFFICER TEXEL: What
10 study are you referring to?
11 THE WITNESS: The PSE study.
12 HEARING OFFICER TEXEL: PSE
13 study.
14 MR. BRASHEAR: Which we'll get
15 to in a minute.
16 HEARING OFFICER TEXEL: I assume
17 that's what was meant. Okay.
18 MR. BRASHEAR: Okay.
19 BY MR. BRASHEAR:
20 Q. So, Mr. Brundage, I'd like to return
21 to Exhibit 36 --
22 A. Yes.
23 Q. -- as we talk about the revenue
24 sources. And would you agree, sir, with my --
25 at least characterization of irrigation

Page 298

1 this earlier. So let's just briefly, so what
2 is the capacity of the Kingsley unit?
3 A. Approximately 50 megawatts.
4 Q. And who is that power -- is that
5 power sold to another entity?
6 A. That power is under contract with the
7 Nebraska Public Power District for what is
8 termed in the contract the life of the plant.
9 Q. And is there -- what revenue does
10 Central receive off of that?
11 A. There's a fraction that is part of
12 the revenue that is -- that there's two parts
13 to that. It gets into a lot of accounting
14 stuff that I'd have to qualify my FCO to come
15 talk about. But in general it's a small piece.
16 But the contract lays out that NPPD takes
17 care of the O and M costs associated with the
18 facility.
19 Q. So is it characterized as a Cost of
20 Service Agreement?
21 A. That basically is correct.
22 Q. So Kingsley power goes to NPPD?
23 A. Yes.
24 Q. For Jeffrey -- what's the capacity of
25 Jeffrey?

Page 297

1 delivery, lot fees, recharge, miscellaneous are
2 fairly steady or constant across as long as
3 they're on that chart?
4 A. Irrigation and recreational fees for
5 sure.
6 The recharge is really a function of these
7 kind of target flows in the river, so somewhat
8 more variable and erratic. Hopefully able to
9 continue to work on that.
10 Q. What is the primary source of revenue
11 that this chart indicates for Central?
12 A. I'm sorry, sir?
13 Q. No. For Central.
14 A. Our primary revenue source is hydro
15 generation.
16 Q. And that's revenue derived from sale
17 of power produced at the four hydro plants --
18 A. That's correct.
19 Q. -- for Central?
20 A. That is correct.
21 Q. Would you --
22 A. I'll qualify that. There is a
23 different contract for the Kingsley unit which
24 really doesn't result in appreciable revenue.
25 Q. I know there were questions about

Page 299

1 A. Jeffrey is a 20-megawatt unit,
2 average -- approximately.
3 Q. And is that contract -- is that power
4 sold to someone?
5 A. It's currently under contract with
6 Evergy.
7 Q. And Johnson 1, what's the capacity of
8 that plant?
9 A. Again, approximately 20.
10 Q. And is that being sold to someone?
11 A. Also under contract to Evergy.
12 Q. What about Johnson 2?
13 A. Johnson 2, I'm just going to make it
14 seem a little nicer, 20 -- about 21 megawatts,
15 so -- and it's also under contract to Evergy.
16 Q. Are Jeffrey, Johnson 1 and Johnson 2
17 under the same contract?
18 A. Yes, they are.
19 HEARING OFFICER TEXEL: I want
20 to clarify one thing. For Evergy, is that just
21 like energy with a V instead of an N?
22 THE WITNESS: Yes.
23 HEARING OFFICER TEXEL: For the
24 spelling.
25 THE WITNESS: E-V --

Page 300

1 E-V-E-R-G-Y.
2 HEARING OFFICER TEXEL: Yep, I'm
3 sorry, yeah, Evergy --
4 THE WITNESS: Yeah.
5 HEARING OFFICER TEXEL: --
6 instead of energy. Okay.
7 THE WITNESS: When the PPA was
8 signed, it was actually with Kansas City Power
9 and Light. And on Westar and KCP and L's
10 merger, it became Evergy.
11 HEARING OFFICER TEXEL: Well,
12 and all I'm getting at now is I want to get the
13 correct spelling for the company for the court
14 reporter. Evergy. Okay.
15 BY MR. BRASHEAR:
16 Q. So, Mr. Brundage, my understanding
17 your testimony there's approximately 110
18 megawatts of hydropower generation for Central?
19 A. Approximately.
20 Q. And Exhibit 36 reflects the revenue
21 from that generation?
22 A. That is correct.
23 Q. You indicated the NPPD agreement is
24 for cost of service. The Evergy contract is
25 not, I'm assuming?

Page 302

1 dip in the revenue, not a lot of water. I
2 think you've heard testimony to the allocation
3 of customers because there just wasn't much.
4 That was the same period of time when, you
5 know, there just was not much.
6 And so turbines don't turn and meters
7 don't turn.
8 Q. The -- what explains the drop in
9 revenue from 2011 to 2013?
10 A. Again, another short little dry
11 period from 20 -- in 2012 was another very dry
12 year, probably very similar to what we
13 experienced this year in 2022. The dip looks
14 nearly similar in some respects, 2022 and
15 2020 -- 2012.
16 Q. So you stated, I think, just a moment
17 ago water drives the revenue or water drives
18 the turbines, I believe?
19 A. That's correct.
20 Q. So Central made adjustments in 2011,
21 2012, 2013 in terms of how much power it
22 generated?
23 A. We reduced -- so we have -- again,
24 you've gotten a good taste for how the water
25 works. It is a -- it is a dance.

Page 301

1 A. No. It is a Power Purchase Agreement
2 with an investor-owned utility.
3 Q. So as this chart depicts the revenue
4 from hydro generation over time, do you have an
5 idea of how much of that hydro generation
6 revenue would be from Kingsley versus how much
7 from the PPAs?
8 A. It's safe to say that that blue line
9 is most all of the Jeffrey, Johnson and Johnson
10 energy.
11 Q. Would it be a fair characterization
12 to say that the hydro generation line on this
13 chart is not consistent?
14 A. It appears not to be.
15 Q. Do you have a insight into the
16 variations in that line?
17 Let's focus just for purposes from 2008 to
18 2022. Do you have an insight into the
19 fluctuation or an understanding of why it is?
20 A. Yes. So the PPA is a mechanism by
21 which we turn that energy into revenue. And
22 the amount of water you have creates the amount
23 of energy you produce. And that produces the
24 revenue.
25 So in the 2000s timeframe, you see a large

Page 303

1 You have multiple entities flowing water
2 out. We're trying to maximize the beneficial
3 use of that water at every turn.
4 We have two engineers that schedule, you
5 know, generation of water and work with other
6 entities to make sure that we know when the
7 water is going where it's going because we can
8 store it.
9 I think there was a question maybe earlier
10 about our ability to store that water and
11 release in the reservoirs along the supply
12 canal before it gets to the irrigated area.
13 But we -- we plan seasonally what we're
14 going to hopefully see for the next year. And
15 so when 2012 rolled around, we said, well,
16 we're going to have to curtail wintertime
17 releases and make sure that we're storing.
18 We have targets that we're trying to hit
19 in Lake McConaughy and make sure we can ensure
20 a water supply every year. We're very
21 conservative, trying to make sure that we're
22 holding onto as much as we can because that's
23 next year's supply.
24 You don't get to make water. And the fuel
25 is replenished by God and the mountains. And

Page 304

1 so we have -- we have to plan.
2 And so in 2012, we reduced our off-season
3 flows to try to store and be ready for next
4 year's irrigation season.
5 BOARD MEMBER REIDA: Can I ask a
6 question about your PPA? How does that work?
7 Is there a time of delivery component in the
8 PPA?
9 In other words, if you're delivering this
10 water and this generation at midnight, are you
11 getting a different price than if you deliver
12 it at two o'clock in the afternoon?
13 THE WITNESS: I am trying not to
14 disclose any of the details of a PPA that we
15 have an agreement with, with them.
16 I can tell you -- am I -- am I on solid
17 ground to answer that question, Counsel?
18 MR. BRASHEAR: In a general
19 sense, yes.
20 THE WITNESS: In a general
21 sense, the current contract does not
22 differentiate.
23 BOARD MEMBER HUTCHISON: Doesn't
24 differentiate on time of day?
25 THE WITNESS: On time of day.

Page 306

1 challenge. And I think as you look at the
2 revenue sources chart there, I think it makes
3 it obvious that in times of not, you're
4 probably working on a deficit. So I better in
5 times of plenty be putting -- putting some
6 money away.
7 So we talk about the reserve funds. I
8 think that was a topic. We have to put
9 something away in light of being ready for that
10 next thing.
11 I think there's two parts really to that.
12 And that's being ready for times when there
13 isn't adequate generation to cover revenue
14 shortfalls, and then, also, being prepared to
15 take care of large capital expenditures on our
16 system.
17 Q. How would you describe the general
18 financial health of Central today?
19 A. We're in good shape.
20 Q. And why do you say that?
21 A. Again, we've had some very good water
22 years. You can see that on the revenue chart.
23 We've put some money away.
24 We're entering a dry time. And I think
25 that it's almost counterintuitive to some

Page 305

1 BY MR. BRASHEAR:
2 Q. So, Mr. Brundage, when -- Exhibit 36
3 would seem to demonstrate fairly clearly that
4 hydropower -- or hydro generation revenue is
5 the primary revenue source for Central; would
6 you agree with that?
7 A. Yes, it is.
8 Q. So if hydro generation revenue is
9 such a significant source, why did Central cut
10 its revenue in 2012 -- why wouldn't it make
11 sure that it could generate hydropower at
12 maximum ability for maximum revenue?
13 A. It -- there is only so much water.
14 And, again, we have to be prepared for the next
15 season. And so we manage the water supply.
16 We -- as we manage the water supply, that
17 follows out that there will be only so much
18 generation available.
19 Q. Do you -- what is the effect of
20 having -- would you view this revenue as being
21 fluctuating then for Central?
22 A. Absolutely.
23 Q. And how does that affect the
24 management of the district?
25 A. It keeps us on our toes. It's a

Page 307

1 extent. But saving the reserves during the wet
2 times turns into capital expenditures during
3 the dry times because when the wet times are
4 here, you're spinning turbines and your lakes
5 are full, you don't really have the ability to
6 access facilities to do maintenance. You --
7 you want to, again, capitalize on the water
8 when it's there.
9 So we will actually spend -- you would
10 want to spend more in capital expenditures in
11 the dry times, which is counterintuitive. But
12 it's part of the challenge that we face,
13 continuing to move forward and changing --
14 changing environment from an energy
15 perspective.
16 Q. For those capital projects, Central
17 uses reserve funds --
18 A. Yes.
19 Q. -- to pay for those?
20 A. That's correct.
21 Q. Does it do bonding of any kind?
22 A. No, we do not bond any more. Up
23 through the '80s, as we had cost of service
24 contracts, long-term, historical-type
25 contracts, you know, we did that. We have not

Page 308

1 done that since the '80s.
2 We've changed course, and now we do
3 reserve funding as opposed to bond funding.
4 HEARING OFFICER TEXEL: Let me,
5 before you leave that issue, what kinds of
6 bonds were they in the '80s?
7 THE WITNESS: I cannot help you.
8 HEARING OFFICER TEXEL: Were
9 they revenue bonds or --
10 THE WITNESS: I don't -- I
11 assume that they would have been revenue bonds,
12 but --
13 HEARING OFFICER TEXEL: They
14 were not general obligation bonds?
15 THE WITNESS: No, no. We are
16 not a taxing authority.
17 HEARING OFFICER TEXEL: Okay.
18 Okay. Just wanted to clarify. Okay.
19 BOARD MEMBER GOTTSCHALK: I have
20 a question.
21 You know, we're looking at the historical
22 data here of, you know, how you've managed
23 the -- the generation resource. You know, now
24 as you consolidate into two entities, do you
25 see that pattern continuing? Or would there be

Page 310

1 around.
2 As a merged entity, you know, they have
3 created a contract that incentivizes shaving
4 off those top numbers. And, you know, that
5 seems to be the way of the future, the most
6 expensive resources are the last ones
7 dispatched.
8 And so if we can chop off those peaks,
9 that's the maximum revenue and probably going
10 to be able to get back on that.
11 If it's not, well, I've got choices. I
12 can do other things, too. But it really does
13 align our interests with the contractual things
14 that are in there, put in there on purpose to
15 minimize the cost to even NPPD. It's a
16 symbiotic relationship even between our
17 suppliers.
18 BOARD MEMBER GOTTSCHALK: Maybe
19 just to follow up a little bit, you made the
20 comment that your current contracts for the
21 Jeffrey and the J-1, J-2, there's no
22 differentiation between time of use, which can
23 have a significant price differential.
24 Are those long-term contracts coming to an
25 end so that you can reflect what's maybe more

Page 309

1 a different focus on managing those generation
2 resources?
3 THE WITNESS: It's a great
4 question.
5 So it's changing; right? The landscape's
6 changing. You heard me say that, you know, the
7 PPA was probably -- didn't differentiate a lot
8 between time of day. That won't be the case in
9 the next contract.
10 So what does that look like? Well, that
11 might actually lift some of the lower times a
12 little bit. And -- but it might shave off the
13 peaks.
14 Well, what if I can lower the bottom and
15 raise the top if I can leverage maybe some of
16 that resource to shaving, again, those most
17 expensive -- as we look -- as we look to the
18 future, markets, you know, we see it now;
19 right? In the SPP market. You have negative
20 \$10 L and P prices, and you have \$100 L and P
21 prices.
22 It's put a lot of pressure on our G and
23 Ts. NPPD has a huge challenge, you know, how
24 do I -- how do I manage my resources to -- back
25 and forth with that. You see them moving those

Page 311

1 appropriate for those timeframes? Or --
2 THE WITNESS: Yeah, the
3 contracts end at the end of this year, of --
4 the Evergy contracts expire December of 2023.
5 And we have gone through the process of
6 issuing a new proposal to folks. And you're
7 correct, that it won't be that type of contract
8 going forward.
9 That makes sense. We continue to evolve.
10 And things continue to change.
11 HEARING OFFICER TEXEL: You
12 mentioned SPP. Just for the record, that's
13 Southwest Power Pool?
14 THE WITNESS: I apologize. Yes.
15 HEARING OFFICER TEXEL: I don't
16 think that's been mentioned in the record yet.
17 So -- I have one question. So if -- let's
18 say the board would approve the merger and the
19 new board's constituted, if the new board put a
20 priority on generation and they wanted to shave
21 off these parts where it dips down, like what
22 happened between 2012 and 2013 and then 2022
23 now, would the board at that point be able to
24 prioritize hydro generation and say we want to
25 continue it at the top level, not let it drop?

<p style="text-align: right;">Page 312</p> <p>1 Would they have the ability to do that? 2 THE WITNESS: There is -- I 3 think maybe the question is incentive. There's 4 only so much water and -- 5 HEARING OFFICER TEXEL: Well, 6 not just the incentive. But would they have 7 the ability to do that? 8 You said there's only so much water. 9 Could they deplete the water more and say we're 10 going to prioritize generation as opposed to 11 irrigation, other water uses to keep it higher 12 and not let it dip so low? 13 THE WITNESS: Yeah, if -- you 14 know, we can't hamstring the board. If they 15 want to make wrong decisions, they're able to 16 do that. 17 HEARING OFFICER TEXEL: Is there 18 any legal impediment to them doing it? Or 19 would the Fish and Wildlife or some entity be 20 able to tell them they can't do that? 21 THE WITNESS: I would -- I 22 assume the state would be very displeased. 23 HEARING OFFICER TEXEL: Well, 24 but I'm getting more at the -- if there's any 25 legal impediment for the board to do that?</p>	<p style="text-align: right;">Page 313</p> <p>1 THE WITNESS: Not that I'm aware 2 of. 3 HEARING OFFICER TEXEL: Okay. 4 BOARD MEMBER HUTCHISON: So I 5 want to ask, similar along those lines, make 6 sure I understand the flow of things. 7 So -- and the management, if I understood 8 correctly, you're managing Kingsley and the 9 amount of flow that's coming out of McConaughy 10 but that most of the revenue that's being 11 generated there -- you're -- it's a cost of 12 service kind of contract. So NPPD is really 13 benefiting the most from that. 14 So the thing that probably benefits, you 15 know, where this balance of interest or equity 16 is just really how much is being generated from 17 the other three dams? 18 THE WITNESS: Yes. 19 BOARD MEMBER HUTCHISON: That's 20 what's driving your economic potential 21 incentives; right? It's those three 22 downstream. 23 And all -- those three downstream are 24 really being -- it's only coming from 25 whatever's coming from McConaughy, though;</p>
<p style="text-align: right;">Page 314</p> <p>1 right? 2 So are there -- how -- I mean, McConaughy 3 is a lot bigger, has a lot more to storage; 4 right? So can you talk a little bit about the 5 storage? How much flexibility is there to -- 6 to manipulate, if you were to -- not 7 manipulate, to manage the economic incentives 8 here that we're talking about with just those 9 three dams? 10 THE WITNESS: Thank you. Thank 11 you, Mr. Hutchison. That is the question, 12 flexibility. You've hit it. 13 So what can I do and is -- let's start 14 with the first question, is McConaughy the 15 source? No, not exactly. 16 And I'll use this year, as a matter of 17 fact, for an example. 2022, dry year, entered 18 conservation mode, back in the last half of 19 2020, really trying to hold onto the water, 20 make sure we got adequate revenues for next 21 year. 22 And so I'll get into just a little bit of 23 operations. Starting in September, outages 24 occurred for maintenance. Not a drop of water 25 was released from Lake McConaughy that touched</p>	<p style="text-align: right;">Page 315</p> <p>1 the river for nearly three months, so pushing 2 up through December, September, October, 3 November, almost into December. And almost is 4 still occurring today. 5 So you'd say to yourself, well, then, gee, 6 you've had zero generation in the last three 7 months. 8 Well, our diversion at North Platte has 9 been somewhere between a quarter and a third 10 full the entire time. We've generated every 11 day that we wanted to for those entire three 12 months. 13 Where is that water coming from? Well, 14 the South Platte bypasses the -- the McConaughy 15 coming from Colorado. And we know what that 16 looks like. It's feast or famine. 17 But there's also return flows. So here we 18 go back to this intertwined connected system. 19 Remember that big green splotch on your 20 Exhibit 37, that is the system of canals from 21 McConaughy to North Platte that puts water in 22 from Sutherland Lake and Lake Maloney. That 23 water seeps back into the river and shows back 24 up at our diversion dam at North Platte. 25 Water from the Sandhills and the recharge</p>

<p style="text-align: right;">Page 316</p> <p>1 that occurs up in that -- and there hasn't been 2 a lot of talk in that upper purple splotch, the 3 Glendo Canals, a whole other set of canals that 4 operate some on Wyoming water and some on 5 supplemental McConaughy water. That irrigation 6 turns into return flows that show up at 7 North Platte. 8 So that water together has been a supply 9 for our hydros for the last three, four months 10 with nearly -- first off, no, and then nearly 11 no water touching the river from Lake 12 McConaughy. 13 It's a -- it's a very interesting and 14 intricate and incredible system. I will give, 15 and that's why I started out with the Georges. 16 They had a vision. They had a great idea. And 17 I think we can -- I think we can take it 18 forward. 19 Does that answer the question? 20 BOARD MEMBER HUTCHISON: Yes. 21 Thank you. 22 BY MR. BRASHEAR: 23 Q. So I think, Mr. Brundage, going out 24 of that, let's talk about this conversation 25 with Dawson and the merger --</p>	<p style="text-align: right;">Page 317</p> <p>1 A. Yes. 2 Q. -- that's being discussed. 3 So how did that conversation start? 4 A. So, again, our PPA -- our Purchase 5 Agreement is set to expire. It's time to go 6 out and find out what we're going to do next. 7 And so RFPs are issued. We talk to our 8 neighbors and begin to discuss what 9 opportunities are there. That's my job, go out 10 there and find out how we can make sure that 11 we're doing the very best job for our district 12 and our customers. 13 And so that led to a discussion with Gwen 14 Kautz with Dawson, talking about, you know, 15 what her ability to take power is, not 16 understanding, you know, their contractual 17 arrangements, discussing that a little bit. 18 And I would say that led into, gee, we're 19 in the same neighborhood, we have communication 20 systems, are there shared interests that we 21 have in being able to help each other out from 22 time to time, could that be advantageous. 23 And that snowballed. That snowballed 24 into, hey, what does this look like. And so 25 that was the genesis.</p>
<p style="text-align: right;">Page 318</p> <p>1 Q. Okay. I want to call your attention 2 to Exhibit 44, the Plan of Consolidation, which 3 we'll get you a copy of. 4 And specifically I want -- I would direct 5 your attention, Mr. Brundage, to Schedule A. 6 A. Yes, sir. 7 Q. Are you familiar with this Plan of 8 Consolidation document? 9 A. Yes, I am. 10 Q. And the Schedule A? 11 A. Yes. 12 Q. So at No. 1, it talks about a public 13 announcement by districts of the initial 14 conversations, November 5th, 2020. What 15 precipitated that announcement? 16 A. So, again, this kind of genesis 17 occurred. And that turned into some internal 18 conversations with our staff. 19 We knew that as we talked about more 20 significant things like this, like a -- an 21 actual merger, consolidation, that we had to 22 make sure that we knew where we were and that's 23 the -- no one gets hurt. 24 And I think our initial conversation was 25 if this doesn't benefit our irrigators, our</p>	<p style="text-align: right;">Page 319</p> <p>1 water supply, our ability to manage it, if this 2 does not help us, we're not doing it. And it 3 doesn't just help us, it has to help all of us. 4 And so that led to talking with our 5 boards. And we had this opportunity to ask our 6 boards if they were interested in pursuing this 7 concept. And they were. 8 And so this November 5th announcement was, 9 hey, the boards are interested in talking about 10 this idea. 11 Q. So -- but it -- not just talking to 12 the boards, apparently there was a decision 13 made to let the public know or at least 14 publicly make folks aware of that? 15 A. That's correct. 16 Q. What precipitated that decision? 17 Because you could have talked to the boards, I 18 assume, in closed session or something as well? 19 A. Yeah, again, this -- if we're going 20 to do this, this is going to be a fully public 21 and transparent process from the get-go, this 22 is going to be discussed and -- and vetted and 23 talked about. 24 Q. And then moving down to, I guess it 25 would be entry three there, there was a press</p>

<p style="text-align: right;">Page 320</p> <p>1 release from Central, it appears, of approval 2 of a joint study on December 7th? 3 A. Yes. 4 Q. Is that your reading of that? 5 A. Yes. 6 Q. What was that announcing? 7 A. That was announcing, I think, the 8 board's approval to put together a joint study 9 to -- to look at these things that we -- we did 10 independently have the ability to really get 11 our heads wrapped around. 12 We wanted a third-party, independent 13 consultant to say tell us how the components of 14 this merger would work with respect to how the 15 generation and the -- and the distribution/ 16 delivery of that could -- could and would work 17 together with our two districts. 18 Q. So does study there refer to hiring 19 PSE? 20 A. Yes, it does. 21 Q. And was there a vote taken to approve 22 that study? 23 A. Yes, there was a vote taken to enter 24 into an agreement with PSE, correct. 25 Q. Do you happen to recall the vote,</p>	<p style="text-align: right;">Page 321</p> <p>1 what the outcome of that vote was? 2 A. That was a -- I believe every board 3 member voted in favor of that. 4 Q. Unanimous vote in favor? 5 A. That's correct, yes. 6 HEARING OFFICER TEXEL: Which 7 exhibit are we on? 8 MR. BRASHEAR: This is Exhibit 9 44. We're on Schedule A. 10 HEARING OFFICER TEXEL: Oh, 11 Schedule A. Okay. 12 MR. BRASHEAR: I don't know that 13 we'll spend a lot more time on Schedule A at 14 the moment but just to clarify. 15 BY MR. BRASHEAR: 16 Q. Why did -- so Dawson and Central 17 retained PSE together? 18 A. Yeah, I guess that's correct. 19 Q. Why did Central decide to do a joint 20 study with Dawson versus one on its own? 21 A. We're consolidating. It was -- made 22 sense that both parties would pay for half of 23 the study to make sure that everyone was being 24 represented in that. 25 Q. And was there -- there's been</p>
<p style="text-align: right;">Page 322</p> <p>1 testimony before related to a phases process in 2 this. What -- can you explain what that phase 3 approach was and when was that decided to use? 4 A. So, yeah, our consultant proposed 5 kind of a -- worked with staff to develop a 6 four -- kind of four phases that would allow 7 the study process. And kind of developed it 8 for the entire process, which went even beyond 9 probably the -- some of the scope of the study 10 itself. 11 But allowed for decision gates, check-ins 12 at various points within the process to make 13 sure that if -- if there was a point at which 14 it made no sense to move on with the 15 discussion, we could -- we could stop the 16 process at that point. 17 And, of course, that was -- would be 18 financially prudent to do. 19 Q. And those would be board votes or 20 board decisions? 21 A. That's correct. 22 Q. Moving forward or stopping? 23 A. Between the -- between those phases 24 to move ahead or not. 25 Q. When these conversations with</p>	<p style="text-align: right;">Page 323</p> <p>1 Central's -- or, I'm sorry, with Dawson started 2 and you retained PSA -- PSE with Dawson, what 3 due diligence did Central have in mind related 4 to this study and conversation? What were the 5 issues that Central wanted to make sure it 6 looked at? 7 A. We had to understand, again, some of 8 the things that we don't understand ourselves, 9 the distribution side, you know, how would that 10 resource be able to be leveraged, what are the 11 impacts to the ability to serve that, what are 12 the contracts like, help us understand what 13 that benefit could look like. 14 Beyond that, you know, we had many 15 conversations. Our water folks are in constant 16 communications with our state regulators, DNR, 17 and those folks. We have a lot of expertise in 18 that area. 19 We engaged various legal firms as to, you 20 know, what are the legal requirements to do 21 some of these things, what are the -- some of 22 the financial pieces. Our CFO, you know, 23 engaged auditors, our auditor to ask questions 24 and understand some of the impacts. 25 So PSE was the major player in</p>

<p style="text-align: right;">Page 324</p> <p>1 understanding the parts that we needed to 2 figure out how they work together and then 3 other regulators and professionals in the 4 field. 5 Q. As general manager at the time, 6 what -- what was perhaps the issues that you 7 were most uncertain about or, you know, in this 8 conversation with Dawson? 9 A. Yeah, we -- we don't have a 10 distribution arm anymore. And so, you know, 11 making sure that we understood that interaction 12 that -- the expertise, understanding -- and 13 understanding the facilities that would be -- 14 these \$200 million worth of assets that would 15 be coming -- coming into our umbrella, you 16 know, understanding the condition of those. I 17 think that was one of the pieces that they 18 studied. 19 And then also, you know, their background 20 in governance questions, their background and 21 ability to say here's how -- some of the things 22 you need to think about that are really outside 23 our scope but you need to think about long term 24 in negotiating what might be a merger between 25 your two boards.</p>	<p style="text-align: right;">Page 325</p> <p>1 Q. Did you as general manager believe 2 you needed a consultant to advise Central on 3 hydropower generation issues? 4 A. Not how to do it but how to integrate 5 it into -- how it could be used, integrate into 6 a distribution setting. 7 Q. Why did you not think you needed a 8 consultant on that issue? 9 A. On -- 10 Q. Why did you not need a consultant on 11 that issue? 12 A. On hydropower generation? 13 Q. Hydropower generation. 14 A. We do that. We -- 15 Q. You know what you're doing? 16 A. We understand hydro generation. 17 Q. Does Central believe it needed a 18 consultant to advise it on water and irrigation 19 issues? 20 A. What -- we understand irrigation. 21 And, again, the consolidation was predicated on 22 nothing changes, we will do what we do with 23 water. 24 And those were the parameters we really 25 set forth to PSE is, you know, assume -- you</p>
<p style="text-align: right;">Page 326</p> <p>1 have to assume that we will deliver water like 2 we do for our customers in this -- in this 3 setting because that's a nonnegotiable. 4 Q. Was that position communicated to 5 Dawson representatives at this time, too? 6 A. Oh, yeah. They understand what we 7 do, yeah, uh-huh. And we said that we will 8 deliver water. That's what we do. 9 Q. Was PSE engaged to make a 10 recommendation on whether or not to merge, or 11 was -- what was the scope of its engagement? 12 A. No. They're a third-party, 13 independent consultant to provide us assistance 14 in understanding the major opportunities and 15 challenges. 16 Q. Phase 1, what did that phase consist 17 of? 18 A. Phase 1 was really this high-level 19 look. Again, it didn't make a lot of sense to 20 jump into a very detailed analysis of many of 21 the contractual things and all of that -- all 22 that minutia if, from the outset, it wasn't 23 going to have any traction so let's do a 24 high-level, 30,000-foot look, get some -- some 25 back-of-the-napkin guesses and if that looked</p>	<p style="text-align: right;">Page 327</p> <p>1 like it had some value and the board was 2 interested in doing so, move to the next phase 3 and dig in. 4 Q. Did the districts conduct Phase 1 by 5 themselves, or did PSE assist with that? 6 A. PSE completed the Phase 1 review. 7 Q. I would refer you back to schedule -- 8 or Exhibit 44, Schedule A. 9 Item 17 on that list says, "Phase 1 10 study -- press release, Phase 1 study results, 11 vote to move to Phase 2." 12 Do you see that item? Item 17? 13 A. Which, sir? 14 Q. Item 17. 15 A. 17. Got it. 16 Q. Do you see that one? 17 A. Yes, sir. 18 Q. So was there a vote taken sometime 19 before April 9th to move to phase -- to approve 20 Phase 1? 21 A. Yeah, there was a vote to move to 22 Phase -- to Phase 2. 23 Q. Do you recall the outcome of that 24 vote? 25 A. I believe there was maybe one -- one</p>

Page 328

1 no, to the best of my recollection.
2 Q. But yes from --
3 A. Yeah.
4 Q. -- other directors?
5 A. Yes, that's correct.
6 Q. What outreach was done --
7 HEARING OFFICER TEXEL: Wait.
8 THE WITNESS: Okay.
9 HEARING OFFICER TEXEL: Clarify
10 that. I'm not sure. There was a one no vote,
11 and the others were all yes votes?
12 THE WITNESS: That's to the best
13 of my recollection, yes.
14 HEARING OFFICER TEXEL: Okay.
15 So I couldn't hear that. So --
16 MR. BRASHEAR: Sorry.
17 THE WITNESS: We can get you the
18 minutes if you'd like to see the actual --
19 HEARING OFFICER TEXEL: I don't
20 need them. I just wanted that in the record
21 clearly because you kind of talked over each
22 other.
23 THE WITNESS: I apologize.
24 BY MR. BRASHEAR:
25 Q. My apologies.

Page 330

1 its -- all requirements. It's required to
2 purchase its power through that contract with
3 this exception.
4 And so understanding this exception for 10
5 percent that could be generated with internal
6 resources, digging into the details of that,
7 meeting with the contract holders so we knew
8 what that meant, there wasn't any surprises at
9 the end of that trail, digging into what the
10 combined staff could look like or, you know,
11 they're identifying where those savings were
12 with -- with respect to the labor pool.
13 They really dug into as many details as --
14 as PSE was qualified to provide us.
15 Q. What engagement was done during Phase
16 2 with the public or outreach with the public?
17 A. So, yeah, Phase 2, throughout all of
18 these phases, again, we were visiting Rotaries
19 and talking to folks and letting them know.
20 But then at the conclusion of Phase 2,
21 there was a -- we tried to really invite as
22 many folks as we could to come and hear the
23 results of Phase 2 at a joint board meeting
24 over in Kearney and presented the results of
25 Phase 2.

Page 329

1 What outreach was done by Central to the
2 public during Phase 1, what engagement with the
3 public?
4 A. Schedule A kind of shows some of it.
5 That is not a comprehensive list.
6 We -- once again, we tried to get the word
7 out as best we could. We met with our water
8 users group, had many -- many -- and some
9 one-on-one meetings, had interested parties
10 that wanted to learn more.
11 Our door was always open. If there was
12 somebody that was -- would listen to us for an
13 hour and a half -- because it is -- you know,
14 today you've heard a lot about the intricacies
15 of the water and the power that the Georges had
16 understood. It takes a while. And so we had a
17 number of group meetings that helped people
18 work through those.
19 Q. So in April of 2021, the board voted
20 to move to Phase 2.
21 What happened during Phase 2? What did
22 that consist of?
23 A. Phase 2 was this deep dive. So it
24 was digging into all of the details, digging
25 out the G and T contract that Dawson has for

Page 331

1 Q. Is that the meeting referred to at
2 item 31 on Schedule A?
3 A. Yes. I believe so.
4 Q. And that was held in Kearney?
5 A. That was.
6 Q. And who -- you said there were a
7 number of attendees. Were there state
8 representatives there?
9 A. Yeah, we had Lieutenant Governor
10 Foley come to visit with us. It was good.
11 Q. Were there representatives of NRDs,
12 Natural Resource Districts there?
13 A. Yeah, we had Natural Resource
14 District directors. We had water users. We
15 had neighboring utilities. We had ag
16 industries. Yeah, a lot of folks came to
17 witness it.
18 Q. Was the media there as well?
19 A. Yes, they were.
20 Q. That was a public meeting?
21 A. Yes, it was.
22 Q. And was there a presentation at that
23 meeting?
24 A. Yes, there was.
25 Q. I would refer you, Mr. Brundage, to

<p style="text-align: right;">Page 332</p> <p>1 Exhibit 21. 2 Mr. Brundage, do you recognize Exhibit 21? 3 A. Yes. 4 Q. What is that, sir? 5 A. This is the presentation, I believe, 6 from the Phase 2 results that was presented at 7 that joint meeting. 8 Q. In Kearney during the public session? 9 A. Yes. 10 HEARING OFFICER TEXEL: By whom? 11 THE WITNESS: The presentation 12 was done -- on the cover page you see the name 13 Erik Sonju, who's the president of PSE. And he 14 did the presentation to the group. 15 HEARING OFFICER TEXEL: Okay. 16 BY MR. BRASHEAR: 17 Q. Mr. Brundage, I'd have you turn to 18 what's marked the number 3, I think it would be 19 slide 3 in that presentation. 20 A. Yes. 21 Q. All right. That lists a category of 22 opportunities and challenges? 23 A. Yes. 24 Q. What is this -- to the best of your 25 recollection, what does this slide reflect?</p>	<p style="text-align: right;">Page 333</p> <p>1 A. This is kind of the summary of PSE's 2 assessment of the -- here's some of the 3 financial benefits, some of the opportunities 4 that come from this merger. 5 And then on the other side where you're 6 going to have some issues if you're going to 7 make this happen or where the challenges lie. 8 And so the financial savings and that -- I 9 think there was an understanding there was 10 probably going to be a financial savings. But, 11 again, that wasn't going to be enough -- 12 financial savings alone is -- is not enough to 13 make this happen. Again, prefaced under one 14 plus one is greater than two. 15 So the power savings, the power supply. 16 Again, this improvement in workforce. Not only 17 do you get financial savings in the workforce 18 but I think you get a level of efficiency and 19 folks that become better at their job because 20 they have more to do in their area to become 21 the masters of some more so. 22 Coordination of the water and energy 23 management. And then this flexibility piece 24 that we began to talk about more. 25 But they recognized that it wasn't all</p>
<p style="text-align: right;">Page 334</p> <p>1 unicorns and lollipops, there would be board 2 composition and representation would be 3 something you would have to address. 4 Union/nonunion workforce, it was a 5 difference in our two organizations from that 6 perspective. 7 There was this dichotomy in the financial 8 methods. Dawson is traditional REA, you bond 9 to build a powerline. Central had to migrate 10 from that to a reserve-base policy, how are you 11 going to work that together. Tried to help 12 identify those challenges that would be part of 13 this. 14 Q. Mr. Brundage, did you -- do you 15 generally agree with the opportunities and 16 challenges that were put forth on this slide? 17 A. I think PSE did a good job. 18 Q. Was there anything at that time or 19 even now that you would say was omitted from 20 this or that you would have included? 21 A. I think they did a good job of 22 summarizing where your challenges would be. 23 HEARING OFFICER TEXEL: Before 24 we lose -- leave page 3 or slide 3, when it 25 says greater flexibility in the future,</p>	<p style="text-align: right;">Page 335</p> <p>1 flexibility for what? What does that mean? 2 THE WITNESS: Yeah, so it's kind 3 of a placeholder for a whole lot of things. 4 You know, what -- so you have this hydro and I 5 can use it to shave peak, what if some days 6 those electrons for some reason are worth more 7 than they are to use -- and I can buy cheaper 8 ones. 9 Well, flexibility. I have the option to 10 every so often decide what the best use of my 11 generation mix is. 12 Flexibility in our two businesses, this 13 vertically integrated utility, thinking about 14 the future of sustainable agriculture is now 15 all about carbon. You know, is there an 16 ability to leverage that resource to help 17 businesses in the footprint that helps 18 ultimately ag. 19 I'll -- I'll launch on it now. KAAPA 20 Ethanol, interestingly enough, is one of 21 Dawson's largest loads, 7 percent of their 22 load. And KAAPA Ethanol creates ethanol from 23 corn, corn that's fed by water that is supplied 24 in large part from Central and/or the ability 25 to have irrigation that's predicated in our</p>

<p style="text-align: right;">Page 336</p> <p>1 ability to irrigate from recharge. 2 That ability to help that partner with a 3 resource that comes back to help everybody in 4 the valley, that's the kind of flexibility that 5 you have -- you have choices. I have tools in 6 my toolbox. 7 HEARING OFFICER TEXEL: Okay. 8 THE WITNESS: What can I do with 9 this, what else can I do with this. 10 HEARING OFFICER TEXEL: That 11 gives me some examples. I just wanted to flush 12 it out. 13 BOARD MEMBER REIDA: I also have 14 a question on that slide. And this may be my 15 fault. I may have made bad notes. But I 16 thought at the beginning -- and it could have 17 been the opening -- I have here that you could 18 cook 20 megawatts off the peak. Is that number 19 correct? 20 THE WITNESS: So the -- 21 BOARD MEMBER REIDA: As far as 22 cooking the demand charges, that you can cook 23 20 megawatts off? Is that right or wrong? 24 THE WITNESS: Right. The QLG 25 requirement in Dawson's contract says you can</p>	<p style="text-align: right;">Page 337</p> <p>1 use 10 percent of your peak load for internal 2 use. 3 And so 10 percent of Dawson's peak load is 4 in that -- and just using round numbers, 20 5 megawatts. 6 So our one facility at Jeffrey is about 20 7 megawatts. And since it is dispatchable, yes, 8 I can use it on a daily basis to help modify 9 the most expensive megawatts that come through. 10 And that was what PSE used as their vehicle to 11 try to evaluate the financial advantage to 12 that. 13 BOARD MEMBER REIDA: Okay. So 14 my note for that is correct. 15 The other thing I have on that is that the 16 advantage is going to be \$10 million. I 17 thought that was on a per-year basis. But this 18 is showing what? 11 million over 7 years. Was 19 I incorrect with that? Or is that -- was the 20 savings going to be 10 million per year? 21 THE WITNESS: No, it is not 10 22 million per year. 23 And there are some caveats in that number. 24 It's actually -- and as -- again, this has been 25 a long process. This was created at a point in</p>
<p style="text-align: right;">Page 338</p> <p>1 which year one was thought to be 2023 and there 2 would be no savings from the merger because we 3 wouldn't have our contract expired yet. And so 4 it should be closer to six years. Neither here 5 nor there. 6 The 11 million that was part of the 7 presentation was over that six or seven years, 8 however you look at it. 9 But it's also a number based on our 10 ability to match peaks 50 percent of the time. 11 And, again, throughout this entire process 12 we've been -- we work to be as conservative as 13 possible. 14 As PSE worked through that, they had 15 numbers that said, well, you can shave the peak 16 all the time. And we said, well, maybe it 17 makes sense to assume that sometime your 18 generator's going to be down or something 19 happens that I can't hit peak or you have a 20 regulatory restriction, please give us some 21 sensitivity to this. 22 And so that number really reflects that I 23 only am able to match peak 50 percent of the 24 time. And so it's very conservative. 25 No doubt as you talk to our hydraulic</p>	<p style="text-align: right;">Page 339</p> <p>1 engineers, you know, we do better than that 2 today and can easily do that tomorrow. 3 And, once again, back to that peak shave 4 piece, I'll just kind of reiterate, you know, 5 this is on a daily cycle basis. And I think 6 there was testimony earlier talking about how 7 that impacts deliveries. 8 One has to remember these hydros are on -- 9 the supply canal system would have regulating 10 reservoirs in front of them. We already cycle 11 those units in a 24-hour period routinely. 12 This is just really modifying that -- that 13 profile to meet the day's needs. 14 Back to flexibility, I'll hit it from a 15 different angle, if -- if I have a peak at 16 three o'clock on July 17th of 2027, I either 17 have to know that contractually now or I can 18 make that decision the day before it happens 19 because I have that facility, that generation 20 resource ready to match that load a daily 21 basis. 22 BOARD MEMBER REIDA: So the 10 23 million per year; is that correct? That you 24 estimate 10 million per year if you could match 25 exactly? Is that where that came from?</p>

<p style="text-align: right;">Page 340</p> <p>1 THE WITNESS: I think from a 2 power perspective, it's more like 1.5 million, 3 ballpark, per year. 4 BOARD MEMBER REIDA: So it's 5 only a million a year? 6 THE WITNESS: Million and a 7 half. Let's use round numbers. 8 BOARD MEMBER REIDA: Okay. I 9 guess my second question on this same slide, 10 you said that the distribution system for 11 Dawson is what? About \$200 million of assets 12 coming in? 13 THE WITNESS: I believe their 14 book value is in that 240, \$250 million range. 15 BOARD MEMBER REIDA: So if I was 16 a water user and I've been, you know, with 17 Central for a long period of time and I have -- 18 is it correct you've got 100 million of -- in 19 the bank, so to speak, and are you making 30 20 percent margin? Did I write that down 21 incorrectly? 22 THE WITNESS: So, yeah, let's go 23 back to that. 24 BOARD MEMBER REIDA: Are you 25 making 30 percent margin?</p>	<p style="text-align: right;">Page 341</p> <p>1 THE WITNESS: Great question, 2 Chairman Reida. 3 The reserves -- and Central has a reserve 4 fund policy now. Somewhere in that \$90 million 5 range maybe. 6 Some of those are dedicated reserves, 7 can't be moved. Some are flexible. But, yeah, 8 you're right in that ballpark. 9 I'm not sure where the 30 percent margin 10 came from, to be honest with you. 11 If you look back at revenue chart 36, I 12 can tell you in 2004, there wasn't much margin 13 on that generation that we were -- we were 14 deficit in those years. 15 I guess if you take an average, you can 16 try to come up with a number. But in general, 17 remember that you're saving money to either 18 expend on expenses or to get through times of 19 drought. 20 I think -- I think even today's a great 21 example. We have a new siphon project going 22 from Johnson Lake to Elwood, water conduit. 23 The old one is 80 years old. That's old for 24 steel; right? The guess at the cost to replace 25 that's about 20 million. That's a big chunk.</p>
<p style="text-align: right;">Page 342</p> <p>1 Has to be done to continue to manage the 2 water resources. We're trying to get some 3 grants to help out with it. But it is -- to 4 maintain and operate these resources, we have 5 to have the ability to have the revenue streams 6 to take care of those -- those things. 7 BOARD MEMBER REIDA: So the -- I 8 guess my concern or maybe the concern of a 9 water user is the difference in your financing 10 philosophy, which would be the middle 11 challenge. I remember looking at the -- your 12 Plan of Consolidation. You had, I believe, 13 five different pots that are each going to be 14 independently managed, you're going to have -- 15 as far as accounting and -- and accounts. 16 But -- but I think it also says -- and that 17 they're going to be kept separately and 18 independently unless you have a board vote of, 19 I think, three-fifths. Then you can start 20 mixing and matching and so -- as far as what 21 money goes into what pot. 22 And so if I'm a water user, I guess one of 23 my concerns would be that if all of a sudden on 24 this distribution system -- because my 25 understanding is that Dawson uses bonds, so</p>	<p style="text-align: right;">Page 343</p> <p>1 they're a -- they've got a significant amount 2 of debt and you're flush with cash, that 3 potentially some of that cash might be voted to 4 go into something where you've got debt, in 5 other words, going from your cash position in 6 water to going -- going into the electrical 7 side. 8 How do you view that if that is -- have -- 9 has anyone objected to that or have that 10 something that potentially could be a real 11 hindrance? 12 THE WITNESS: That's a great 13 question. 14 And, yeah, that was -- that was discussed 15 at length. That's -- I think it's why it 16 showed up in No. 2 or 3 on the challenges list, 17 how to understand that. 18 And, yeah, so I think -- and I'm going to 19 point to -- back to Exhibit 44, the Plan of 20 Consolidation. 21 We talk about these financial units. It's 22 not unique to Central. Central has had 23 financial units a lot of its life. 24 When we had a steam division -- we had a 25 100-megawatt, a natural gas-fired plant near</p>

<p style="text-align: right;">Page 344</p> <p>1 Lexington, Nebraska, up through the mid '90s. 2 We had a steam division. 3 We have a Kingsley division. You've heard 4 about the cost of service contract with the 5 Kingsley division. We -- it's an accounting 6 mechanism. You keep those -- those funds and 7 that contract for that purpose with NPPD. 8 We -- we operate that way. 9 We have a Glendo division. That's why you 10 see those -- those in there. 11 Now, what the Plan of Consolidation also 12 says is that the plan calls for us to be able 13 to, with a three-fifths vote of the board, 14 pledge some of that as long as it's returned on 15 the terms, with interest. 16 So I think that is what the intent was if 17 you can, once again, leverage to your 18 advantage. But you have to make sure you have 19 reserves in place to be able to take care of 20 the -- our other obligations, our 21 infrastructure. And so that option is there. 22 But I think, by and large, those reserve 23 fund policies are there to say, hey, we have 24 large expenditures that we have to plan for, we 25 have ebbs and flows. And those won't stop.</p>	<p style="text-align: right;">Page 345</p> <p>1 The water -- the water ebbs and flows won't -- 2 won't stop. 3 I think we can improve the revenue stream 4 from it, through the consolidation. But we 5 still need to plan for those things. 6 Energy distribution statute says thou 7 shalt pay for your stuff. And so, you know, 8 having that financial unit makes a lot of 9 sense. 10 Have those bonds that are there. And you 11 should bond in the future. Makes a lot of 12 sense in a lot of ways under the right 13 conditions to have the folks that are enjoying 14 the powerlines and transmission lines and 15 transformers to pay for them as they go along. 16 It's the reason they operate that way. 17 BOARD MEMBER REIDA: So when you 18 have something where -- I mean, if you have a 19 debtor and creditor that are two different 20 entities, it's pretty easy to figure out if 21 they don't pay, that you foreclose on them or 22 whatever. 23 In this particular case, because your 24 debtors and creditors potentially could all be 25 within the one entity, what would you -- if --</p>
<p style="text-align: right;">Page 346</p> <p>1 if -- let's say on the electric side, you just 2 raise the electric rates? Is that the idea, to 3 pay it off? 4 THE WITNESS: If you have an 5 obligation for the electric side, yeah, you 6 would raise rates to pay those bonds. Or, you 7 know, it would be the board making a decision 8 on how to pay for those improvements. 9 BOARD MEMBER REIDA: But it 10 would be the electric customers that would pay 11 for that? You wouldn't mix and match into the 12 water? 13 THE WITNESS: That's correct. 14 BOARD MEMBER REIDA: Or would 15 you? 16 THE WITNESS: That's correct, 17 electric customers pay for electric 18 infrastructure. 19 BOARD MEMBER REIDA: So other 20 than -- other than this three-fifths vote, your 21 intent is to keep these entities separate with 22 respect to their obligations and their cash? 23 THE WITNESS: There would be an 24 accounting method just like we used with our 25 other divisions to -- to keep those accounting</p>	<p style="text-align: right;">Page 347</p> <p>1 divisions whole, right. That's correct. 2 BOARD MEMBER REIDA: And in the 3 event you did have a transfer, then there would 4 be some mechanism that would be in place to pay 5 it back -- 6 THE WITNESS: That's correct. 7 BOARD MEMBER REIDA: -- with 8 interest? 9 THE WITNESS: I'm sorry? 10 BOARD MEMBER REIDA: With 11 interest, there would be what the prevailing 12 interest rate, the prime? Or what would -- 13 THE WITNESS: Again, the 14 board -- you know, as we move forward, the 15 board will decide what terms that would be, 16 would be fair to everyone. 17 BOARD MEMBER REIDA: All right. 18 Have you had any -- I notice one of the other 19 challenges you have -- I don't know which is 20 which, but one of you has union labor and one 21 is nonunion. 22 Has the -- has the union objected? Or how 23 is that going to work? What's going to be the 24 end result? You going to have the union or 25 nonunion?</p>

Page 348

1 THE WITNESS: Great question.
2 Yeah, so it has been -- like I said, this has
3 been a two-year process. And I'll report to
4 you that Central was the entity that had the
5 union. And late last year, our union
6 decertified.
7 BOARD MEMBER REIDA: Oh, so you
8 have no unions?
9 THE WITNESS: That's correct.
10 BOARD MEMBER REIDA: Okay.
11 BOARD MEMBER HUTCHISON: So I
12 want to kind of follow -- Frank, are you
13 finished with your line of questions?
14 BOARD MEMBER REIDA: I am.
15 Thank you.
16 BOARD MEMBER HUTCHISON: All
17 right.
18 What was Glendo again? I'm still on these
19 five financial units.
20 THE WITNESS: Yeah, I get it.
21 So -- we lost that slide. Glendo are the
22 canals. Maybe you remember the dark purple
23 splotch way up by Kingsley?
24 BOARD MEMBER HUTCHISON: Okay.
25 THE WITNESS: Those are the

Page 350

1 23-member board that sits down and creates
2 the -- the foundational pieces, the policy.
3 That -- that should be in your board's purview
4 to build their policies, their bylaws. I
5 believe the stipulations to change bylaws are
6 three-fifths majority.
7 BOARD MEMBER HUTCHISON: Okay.
8 THE WITNESS: So you will -- you
9 will have that in place. Simple majority is to
10 adopt policy, I would assume.
11 BOARD MEMBER HUTCHISON: Okay.
12 So the intent is to -- as you understand it, is
13 for the combined board of 23 is going to base
14 their new bylaws on this Plan of Consolidation?
15 THE WITNESS: That's correct.
16 BOARD MEMBER HUTCHISON: And
17 then if in the future there would need to be
18 change, it would take a three-fifths majority
19 to change?
20 THE WITNESS: That's correct.
21 BOARD MEMBER HUTCHISON: You're
22 going to have a board of 14?
23 THE WITNESS: That's correct.
24 BOARD MEMBER HUTCHISON: And I
25 think, if I did my math right, that means nine?

Page 349

1 North Platte Canals.
2 BOARD MEMBER HUTCHISON: Okay.
3 THE WITNESS: And so we work
4 with them. Water is held and released from the
5 Glendo Reservoir out of McConaughy. And we
6 have contracts with those Glendo Canal
7 participants.
8 BOARD MEMBER HUTCHISON: Okay.
9 THE WITNESS: So that's a
10 separate -- once again, another separate
11 financial unit.
12 BOARD MEMBER HUTCHISON: I've
13 got it.
14 So if I'm understand correctly, in order
15 to -- well, let's go to the first one. Is --
16 what does it take -- so this Plan of
17 Consolidation, I think we've already discussed,
18 is going to be, at least initially, binding on
19 the combined board, but the board would
20 ultimately have the authority to make changes
21 to this. Do you know, is that a simple
22 majority? Do you know whether or not -- what
23 it would -- what would it take to modify this
24 plan and to change these rules?
25 THE WITNESS: So you'll have the

Page 351

1 THE WITNESS: That's correct.
2 BOARD MEMBER HUTCHISON: So the
3 Tri County area will have six directors?
4 THE WITNESS: The traditional
5 Tri County area, yeah, that's correct, six.
6 BOARD MEMBER HUTCHISON: So, I
7 mean, because each of those three counties will
8 each have two?
9 THE WITNESS: That's correct.
10 BOARD MEMBER HUTCHISON: So
11 you'd have to have at least one director from
12 those Tri County area to agree to a change to
13 the bylaws in the future?
14 THE WITNESS: Yeah, I believe
15 you're correct.
16 I guess if you're looking at it from a
17 director with surface water irrigation
18 customers within their district, you know, you
19 actually have increased that to 5 subdivisions
20 or 10 directors of -- Lincoln County and Dawson
21 County also have surface water, direct surface
22 water irrigators as well.
23 But, yeah, your math is correct.
24 BOARD MEMBER HUTCHISON: Okay.
25 THE WITNESS: I think.

<p style="text-align: right;">Page 352</p> <p>1 BOARD MEMBER HUTCHISON: Okay. 2 All right. Thank you. 3 BY MR. BRASHEAR: 4 Q. Mr. Brundage, there have been some 5 questions about Plan of Consolidation. So I'm 6 going to skip ahead to that, and then we'll 7 come back the PSE report. 8 So if you'd look at Exhibit 44, please. 9 A. Yes, sir. 10 Q. And you're aware of the Plan of 11 Consolidation, I think you indicated? 12 A. Yes. 13 Q. I guess that's true. You had it in 14 front of you, didn't you? 15 A. Yes. 16 Q. What is your understanding of what 17 the Plan of Consolidation is meant to do? Why 18 is there a Plan of Consolidation? 19 A. It really is this intent. You have 20 the two boards that came together and said as 21 we -- as we walk through this, let's have a 22 document that kind of says here's our intention 23 as we sit down and as a new board of 23, this 24 is -- this is a guiding document for us. 25 Q. And you understand that the -- some</p>	<p style="text-align: right;">Page 353</p> <p>1 of this will have to be implemented by the 2 Platte River Public Power Irrigation District 3 board of directors and management of Platte 4 River at the time? 5 A. Absolutely. 6 Q. Let me ask you, Section 1 talks about 7 a consolidation date at least in here of July 8 1st, 2023. But the Plan of Consolidation, when 9 was that approved? 10 A. Plan of Consolidation was approved as 11 part of the amendment -- charter amendment and 12 charter dissolution resolutions October 24. 13 Q. So why the proposal of a delayed 14 consolidation date? 15 A. Yeah, it turns out it takes a lot of 16 time to effect a merger. There's a lot of work 17 to be done in the background, contracts, 18 getting accounting done, bond work. 19 You know, this -- we understand that this 20 is not a snap-your-fingers-and-everything's- 21 done process. It takes time. And so we 22 allowed for what we hoped to be at least six 23 months to get our feet on the ground and ready 24 to change over. 25 Q. So was the Plan of Consolidation</p>
<p style="text-align: right;">Page 354</p> <p>1 designed to or intended to address every issue? 2 A. No. 3 Q. What issues was it intended to 4 address? 5 A. I think it -- again, it was this 6 guiding -- guiding document said this is our 7 intent, this is how we'll look at the reserve 8 funds, for instance. That was one of them that 9 was addressed in there. Facilities. 10 It was kind of the initial conditions, 11 this is what we agree to sit down and do as we 12 convene our new -- our new board. 13 Q. Section 3 that discusses purposes, 14 "The primary purposes of PRPPID shall be to, at 15 as low an overall cost as possible, deliver 16 surface irrigation, distribute electrical power 17 and operate hydropower facilities to generate 18 electrical power for wholesale and retail 19 distribution." 20 What does it mean -- what is your 21 understanding of why those are called the 22 primary purposes? What does that denote? 23 A. Those are what Chapter 70 entities 24 are chartered to do. I'm sorry, yeah, Chapter 25 70 entities are chartered to do. That's what</p>	<p style="text-align: right;">Page 355</p> <p>1 we do. We are a public power and irrigation 2 district. We store and deliver surface water. 3 We generate hydroelectric energy and hope to 4 distribute it to people right there in our 5 service territory. 6 Q. What is your -- what is your 7 understanding of "at as low an overall cost as 8 possible"? What is that referring to here? 9 A. That is the public power motto, 10 affordable, reliable. We want to make sure 11 there's sustainable supplies of water at the 12 lowest possible cost. 13 We want to make sure that there's 14 sustainable amounts of power at the lowest 15 possible cost for our ratepayers. 16 Q. So it's your understanding that 17 refers to both surface water irrigation and 18 electric distribution? 19 A. Absolutely. 20 Q. Then it states, "The secondary 21 purposes of PRPPID shall be to recharge 22 groundwater, enhance the environment, provide 23 recreational opportunities and facilitate 24 economic development." 25 I think this refers to a little bit what</p>

Page 356

1 you talked about in mission earlier. But so
2 calling these secondary, does that mean they're
3 less important or they're subservient to the
4 primary? Or what is that supposed to denote?
5 A. They are all important. We are a
6 public power and irrigation district, and our
7 mission is to do those things.
8 Central's is that exact grouping, minus
9 distribution -- distribute electrical power.
10 And I don't know what comes next. Maybe
11 there's a next some day. We'll be prepared for
12 that.
13 Q. In section -- I'll skip ahead one
14 section, Section 5 of the agreement states that
15 Dawson shall cease to exist as a separate
16 entity and invest in PRPPID.
17 Section 2 talks about Central shall be
18 renamed.
19 What is your understanding of the actual
20 transaction that's contemplated here?
21 A. Yeah, so, as the board is well aware,
22 this is a dissolution of Dawson. So its
23 assets, its revenue stream, its customers and
24 its liabilities will come into Central.
25 Central has a charter amendment to add

Page 358

1 after 5:30. So I think I need to make a quick
2 call to Capitol Security, let them know we have
3 40 or 50 people that should be in here. And
4 they have asked me to do that before.
5 So I think let's take a five-minute break.
6 I'll take care of that.
7 How much -- we have to finish up this.
8 How much longer do you think we need to be?
9 And then we have cross yet. So do you have
10 very much longer?
11 MR. BRASHEAR: A not
12 insignificant amount, yes.
13 HEARING OFFICER TEXEL: Okay.
14 All right.
15 MR. DEGAN: I'm assuming we're
16 not going to get to cross?
17 MR. BRASHEAR: I don't believe
18 we will get to cross today. But I don't -- I
19 mean, I'm also cognizant of board members and
20 you having questions so I --
21 MR. DEGAN: Yeah.
22 MR. BRASHEAR: I guess we'll go
23 as long as you'll allow us to go.
24 HEARING OFFICER TEXEL: I just
25 want to get a handle on things.

Page 357

1 this electrical distribution to our entity.
2 And -- is that where -- is that what your
3 question was, sir?
4 Q. Yeah. So this is not a new district
5 being formed?
6 A. No. It's -- Central -- Central's
7 charter is being amended to absorb the assets,
8 revenue streams and the liabilities and
9 customers of Dawson.
10 Q. Was a new district being formed
11 considered?
12 A. No. The -- it -- technically this
13 was really the only way this had any -- any
14 option.
15 Central holds a FERC license. It's a
16 40-year FERC license. Made no sense to try to
17 reopen a federal license for hydropower. This
18 was the only way this could work really.
19 HEARING OFFICER TEXEL: Let me
20 interrupt for just a moment.
21 MR. BRASHEAR: I'm sorry.
22 HEARING OFFICER TEXEL: I think
23 we're going to need to take a five-minute
24 break. I need to call security because we're
25 going be here after 5, possibly a few minutes

Page 359

1 Let's take a five-minute break. I'll be
2 right back. I'm going to make a quick call,
3 make sure security knows, and we'll go forward
4 from there.
5 (5:00 p.m. - Recess taken.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p style="text-align: right;">Page 360</p> <p>1 (At 5:14 p.m., with parties present as before, 2 the following proceedings were had:) 3 HEARING OFFICER TEXEL: 4 Mr. Brashear, you may continue, please. 5 BY MR. BRASHEAR: 6 Q. Mr. Brundage, we're back on the 7 record. 8 I apologize, I'm going to jump around. 9 I'll say that to the counsel and the board as 10 well. In the interest of time, let's go to 11 Exhibit 21 again, please, page 52. 12 Is it marked page 52 on Exhibit 21? 13 A. Supply -- power supply and power 14 sales benefits? 15 Q. No, it should be consolidation 16 assessment, financial model results. 17 MR. JARECKE: Probably that one. 18 THE WITNESS: Okay. 19 BY MR. BRASHEAR: 20 Q. You have that, page 52 in front of 21 you or slide 52 in front of you? 22 A. It says page 54. I will -- 23 Q. I'm sorry. Well, I -- okay. We'll 24 go with that, yes. 25 A. Okay.</p>	<p style="text-align: right;">Page 361</p> <p>1 MR. DEGAN: Counsel, just so I 2 can be on the same page, what are we supposed 3 to be looking at? 4 MR. BRASHEAR: So this would be 5 the slide labeled consolidation assessment, 6 financial model results. 7 MR. DEGAN: Okay. So it's page 8 52 on my copy, too. 9 MR. BRASHEAR: That's what I 10 have. 11 MR. DEGAN: Okay. 12 MR. BRASHEAR: But apparently it 13 might be page 54 on -- 14 HEARING OFFICER TEXEL: I have 15 page 54 also. 16 MR. DEGAN: Well, that's my 17 concern, we may have more than one model here. 18 MR. JARECKE: I think it's 19 because of the cover page. 20 HEARING OFFICER TEXEL: 21 Combined -- combined versus consolidated net 22 income impact areas, is that what it says? 23 MR. BRASHEAR: Correct. 24 MS. KREIFELS: Which exhibit do 25 you have?</p>
<p style="text-align: right;">Page 362</p> <p>1 BOARD MEMBER REIDA: 52. 2 MR. DEGAN: Yeah, that looks 3 like -- it looks like the same, yeah, looking 4 at the numbers. 5 MS. KREIFELS: What number? 6 MR. JARECKE: Well, you have -- 7 this is Exhibit 21. 8 MR. BRASHEAR: Exhibit 21. 9 HEARING OFFICER TEXEL: Let's go 10 off the record and figure out what exhibit 11 we're on. 12 (An off-the-record discussion was held.) 13 HEARING OFFICER TEXEL: All 14 right. So do you know, on the original exhibit 15 that you gave the court reporter, is it -- is 16 this marked as 54 or 52? 17 MS. KREIFELS: 54. 18 HEARING OFFICER TEXEL: Page 54. 19 So it's the same as the one I have as the 20 hearing officer? Because mine's 54 for what 21 we're talking about. 22 MS. KREIFELS: Yes. 23 HEARING OFFICER TEXEL: Okay. 24 MR. DEGAN: Again, just to be 25 clear, it's Exhibit 21, page 54.</p>	<p style="text-align: right;">Page 363</p> <p>1 MS. KREIFELS: That's correct. 2 HEARING OFFICER TEXEL: That's 3 right. 4 Okay. So I just want to use the reference 5 that's in the exhibit that's in the record. 6 And then we can figure out the rest later. 7 MS. KREIFELS: Okay. 8 HEARING OFFICER TEXEL: So -- 9 BY MR. BRASHEAR: 10 Q. And i will note, Mr. Brundage, does 11 the page you're looking at say consolidation 12 assessment, financial model results at the top? 13 A. Yes, it does. 14 Q. Combined versus consolidated net 15 income impact areas? 16 A. Yes, it does. 17 Q. And it shows 2023 through 2030 18 figures for those years? 19 A. That's correct. 20 Q. Okay. I'd like to call your 21 attention to the blue box -- or outlined blue 22 box that is underneath the label, allocation of 23 savings. Do you see that? 24 A. Correct. 25 MR. BRASHEAR: Counsel, I want</p>

Page 364

1 to make sure and -- Hearing Officer,
2 everybody's --
3 MR. DEGAN: Yep.
4 MR. BRASHEAR: Yep. Okay.
5 BY MR. BRASHEAR:
6 Q. What is this allocation of savings to
7 refer to in your understanding?
8 A. So this is PSE's work in identifying
9 the -- in the red box above, it says total
10 savings.
11 And I guess just to -- as an aside, to
12 Chairman Reida's question, you can kind of see
13 those annual savings numbers there.
14 This blue box is what PSE did in
15 developing an -- one idea for an allocation
16 model to say there are savings, a value that
17 has come to that hydro asset that -- above and
18 beyond what you would have gotten for the PPA
19 and there's value to the retail energy
20 division. And this was the allocation method
21 he developed and showed how those savings could
22 be split between water savings, hydro
23 irrigation and energy distribution savings.
24 Q. Because this would reflect the
25 Jeffrey hydro 20 megawatts being used

Page 366

1 you a copy.
2 Did the board members have copies of
3 what's already in the record?
4 MS. BIRKETT: Well, they have a
5 copy of that.
6 MS. KREIFELS: Okay.
7 BY MR. BRASHEAR:
8 Q. Mr. Brundage, are you familiar with
9 this document?
10 A. Yes, I am.
11 Q. You've seen it before?
12 A. Yes.
13 Q. I'd like to direct your attention
14 to -- for -- what is your understanding of the
15 Petition to Amend? What is its purpose?
16 A. This is the document that Power
17 Review Board requires and is defined in statute
18 as the document to amend your charter as a
19 public power or public power and irrigation
20 district.
21 Q. And do you understand the charter to
22 be the document issued by Power Review that
23 governs districts?
24 A. Yes.
25 Q. Like Central?

Page 365

1 internally; is that correct?
2 A. That's correct.
3 Q. Do you -- is this a final allocation
4 or a binding allocation on Central, Dawson or
5 Platte River Public Power and Irrigation
6 District?
7 A. No. Once against, this was PSE's
8 here's an idea for you, it's a good idea, and
9 could be one that the boards -- boards would
10 adopt.
11 Q. Did you understand the methodology
12 used by PSE to develop this?
13 A. Yes. We talked about it. It is --
14 it is deep. But, yeah, I understand the ratios
15 of savings.
16 Q. But the allocation of savings, if the
17 merger moves forward and the Jeffrey hydro is
18 used internally, that allocation has not been
19 finally determined yet; is that correct?
20 A. No, it has not.
21 Q. Thank you.
22 Mr. Brundage, I'd like to focus your --
23 direct your attention to Exhibit 1, the
24 Petition to Amend.
25 MS. KREIFELS: I'm going to hand

Page 367

1 A. Yes.
2 Q. Or Platte River Public Power and
3 Irrigation District?
4 A. Yes.
5 Q. Can the charter be changed by a
6 district on its own?
7 MR. DEGAN: Objection. Form,
8 foundation, calls for a legal conclusion.
9 BY MR. BRASHEAR:
10 Q. Do you have an understanding if the
11 district can change the Petition to Amend?
12 A. I'm not a lawyer, sir. But in my
13 opinion, the charter would require a
14 three-fifths majority of the board to modify.
15 Q. Does it require approval from anyone
16 else to amend a charter?
17 MR. DEGAN: Again, same
18 objection, form, foundation and --
19 BY MR. BRASHEAR:
20 Q. What is your understanding of what's
21 required to amend a charter?
22 MR. DEGAN: I'm just objecting
23 to form and foundation.
24 BY MR. BRASHEAR:
25 Q. What is your understanding of what's

Page 368

1 required to amend a charter?
2 A. I understand it takes a three-fifths
3 majority and that is all that is required to
4 come before the Power Review Board. Is that an
5 answer to your question, sir?
6 Q. So -- yes.
7 So you understand that it has to also come
8 before the Power Review Board?
9 A. Yes.
10 Q. Does it have to be approved by them?
11 A. Yes.
12 Q. With regard -- this is the Petition
13 to Amend that Central submitted?
14 A. Yes.
15 Q. With regard to Section 10 of the
16 petition?
17 A. Yes.
18 Q. That discusses the number of
19 directors of -- proposed for Central as
20 amended; is that correct?
21 A. That is correct.
22 Q. What is your understanding of the
23 number of directors that the amended charter
24 would provide for at the beginning?
25 A. As stated in item 10, the district

Page 370

1 BY MR. BRASHEAR:
2 Q. I'd like to call your attention, sir,
3 to Exhibit 43, which I will represent is up on
4 the easel. And we'll get you one to look at as
5 well.
6 MR. JARECKE: Exhibit number?
7 MR. BRASHEAR: Exhibit 43.
8 MS. KREIFELS: Yeah.
9 MR. DEGAN: I'm sorry, Counsel,
10 what number?
11 MR. BRASHEAR: 43.
12 MS. KREIFELS: 43. That one?
13 MR. BRASHEAR: Yes.
14 MS. KREIFELS: No. It's 41.
15 MR. BRASHEAR: Sorry, Exhibit
16 41. My apologies.
17 MS. KREIFELS: This is a copy.
18 MR. JARECKE: Yeah.
19 BY MR. BRASHEAR:
20 Q. Mr. Brundage, are you familiar with
21 Exhibit 41?
22 A. Yes. I have seen that.
23 Q. What is that depicting?
24 A. This is a map depicting two items.
25 First, the current Central area of

Page 369

1 will consist of 23 board members effective on
2 July 1, 2023.
3 Q. And what is the final number of
4 directors that you understand the amended
5 charter would provide for?
6 A. The final board membership will
7 consist of 14 board members.
8 HEARING OFFICER TEXEL: That's
9 after attrition?
10 THE WITNESS: After attrition
11 over the course of three election cycles.
12 HEARING OFFICER TEXEL: Over
13 different cycles. Yes. Okay.
14 BY MR. BRASHEAR:
15 Q. Are the subdivisions of the charter
16 as amended to be based on geography or
17 population?
18 A. The subdivision --
19 HEARING OFFICER TEXEL: I think
20 we've already stipulated to that, haven't we?
21 MR. BRASHEAR: I suppose we
22 have. Okay.
23 A. Subdivisions will be based on
24 geography, along county lines and precinct
25 lines.

Page 371

1 representation. And that is highlighted in the
2 orangish color.
3 So it looks just like we had discussed,
4 the six whole counties, Keith, Lincoln, Dawson,
5 Gosper, Phelps and Kearney.
6 And then overlaid on top of that is an
7 outline in bright red of what the regions would
8 be under the Platte River Public Power and
9 Irrigation District, noting, I think you can
10 see, really, the changes are removing, in large
11 part, a lower piece of Lincoln County and
12 this -- really, this one new representation
13 area I think was noted earlier by a board
14 member at Buffalo subdivision.
15 HEARING OFFICER TEXEL: When you
16 say -- when you say that areas or regions, are
17 you talking about the voting subdivisions of
18 the district?
19 THE WITNESS: I'm sorry?
20 HEARING OFFICER TEXEL: You said
21 that the red outlined -- the red outlines in
22 here are around the regions. Is that the
23 voting subdivisions of the charter territory?
24 THE WITNESS: That's correct.
25 HEARING OFFICER TEXEL: Okay.

<p>1 THE WITNESS: That's correct. Page 372</p> <p>2 So those red outlines are the new voting</p> <p>3 subdivisions under the model for Platte River</p> <p>4 Public Power and Irrigation District.</p> <p>5 HEARING OFFICER TEXEL: And the</p> <p>6 tan or --</p> <p>7 THE WITNESS: Tan is the</p> <p>8 existing --</p> <p>9 HEARING OFFICER TEXEL: -- is</p> <p>10 the chartered territory as existing of Central?</p> <p>11 THE WITNESS: Of Central, that's</p> <p>12 correct, sir.</p> <p>13 HEARING OFFICER TEXEL: Okay. I</p> <p>14 just wanted to make sure we had the right</p> <p>15 nomenclature down.</p> <p>16 BY MR. BRASHEAR:</p> <p>17 Q. Mr. Brundage, this legend includes</p> <p>18 population figures; is that correct?</p> <p>19 A. Yes, it does.</p> <p>20 Q. What did -- what does the legend tell</p> <p>21 you or how do you interpret that?</p> <p>22 A. So, again, Central's current</p> <p>23 representations are whole counties, including</p> <p>24 anything within the county, and so that shows</p> <p>25 that in those six counties, you have</p>	<p>1 approximately 85,000 folks/voters that vote in Page 373</p> <p>2 Central's board selection.</p> <p>3 And the new model for the Platte River</p> <p>4 Public Power and Irrigation District shows a</p> <p>5 total voter population of about 30,000 less,</p> <p>6 about 56,000 votes.</p> <p>7 Q. And what is your understanding of</p> <p>8 what accounts for that reduction in voters?</p> <p>9 A. This is a much more rural-focused</p> <p>10 model. The cutouts, as you can see, this --</p> <p>11 the consolidation -- the consolidation</p> <p>12 represented territories really is a very nice</p> <p>13 conglomeration of Central's and Dawson's</p> <p>14 current represented territories.</p> <p>15 So you see North Platte, the City of</p> <p>16 North Platte's carved out. The other</p> <p>17 municipalities in Dawson's traditional charter</p> <p>18 territory are carved out. And so you lose a</p> <p>19 lot of those -- especially North Platte, that's</p> <p>20 probably 20, 25,000 people, 20,000 people right</p> <p>21 there perhaps. So all the municipal population</p> <p>22 is removed from those -- those regions.</p> <p>23 HEARING OFFICER TEXEL: You said</p> <p>24 it's rule oriented. What do you mean by that?</p> <p>25 The new -- or the newly constituted Platte</p>
<p>1 River PPNID said it's rule -- Page 374</p> <p>2 THE WITNESS: Basically you --</p> <p>3 HEARING OFFICER TEXEL: --</p> <p>4 oriented.</p> <p>5 THE WITNESS: -- you've added</p> <p>6 this Buffalo subdivision, but, yet, your</p> <p>7 population is 30,000 less.</p> <p>8 HEARING OFFICER TEXEL: What do</p> <p>9 you mean by rule?</p> <p>10 MR. JARECKE: Rural.</p> <p>11 THE WITNESS: Rural.</p> <p>12 HEARING OFFICER TEXEL: Rural?</p> <p>13 I misunderstood you.</p> <p>14 THE WITNESS: I'm sorry.</p> <p>15 HEARING OFFICER TEXEL: I</p> <p>16 thought you said rule. Rural oriented. Okay.</p> <p>17 I apologize.</p> <p>18 BOARD MEMBER GOTTSCHALK: So my</p> <p>19 question is this, is the intent then that now</p> <p>20 you've narrowed the voting population down to</p> <p>21 those directly impacted by the activities of</p> <p>22 both districts?</p> <p>23 THE WITNESS: That's correct.</p> <p>24 BOARD MEMBER HUTCHISON: So as</p> <p>25 an example followup, let's just take Lincoln</p>	<p>1 County. So currently in Central, you have a Page 375</p> <p>2 single director from Lincoln County?</p> <p>3 THE WITNESS: That's correct.</p> <p>4 BOARD MEMBER HUTCHISON: You're</p> <p>5 going to now have two?</p> <p>6 THE WITNESS: That's correct.</p> <p>7 BOARD MEMBER HUTCHISON: And</p> <p>8 currently -- that one person who is elected</p> <p>9 from Lincoln County, the voters include the</p> <p>10 City of North Platte?</p> <p>11 THE WITNESS: That is correct.</p> <p>12 BOARD MEMBER HUTCHISON: So</p> <p>13 there are irrigators in Lincoln County?</p> <p>14 THE WITNESS: We have irrigators</p> <p>15 in Lincoln County, that's correct.</p> <p>16 BOARD MEMBER HUTCHISON: And</p> <p>17 those irrigators, it would seem to me then, if</p> <p>18 I'm understanding what you're doing -- just</p> <p>19 taking Lincoln County as an example -- the</p> <p>20 irrigators will have better representation in</p> <p>21 the merged district than they currently do</p> <p>22 under the current Central District?</p> <p>23 THE WITNESS: I believe that to</p> <p>24 be true.</p> <p>25 BOARD MEMBER HUTCHISON: Thank</p>

<p style="text-align: right;">Page 376</p> <p>1 you.</p> <p>2 HEARING OFFICER TEXEL: And when</p> <p>3 you say better, you mean less diluted?</p> <p>4 BOARD MEMBER HUTCHISON: Yes.</p> <p>5 HEARING OFFICER TEXEL: Would</p> <p>6 that be accurate --</p> <p>7 BOARD MEMBER HUTCHISON: That's</p> <p>8 probably a more accurate question, yes.</p> <p>9 HEARING OFFICER TEXEL: --</p> <p>10 characterization?</p> <p>11 THE WITNESS: It will be a very</p> <p>12 rural-focused electorate.</p> <p>13 HEARING OFFICER TEXEL: And</p> <p>14 following up t, Vice Chair Hutchison's</p> <p>15 question, would it be less dilution of the vote</p> <p>16 with the smaller population?</p> <p>17 THE WITNESS: You will -- you</p> <p>18 will have folks on the board and voting for the</p> <p>19 board that are, you know, rural residents of</p> <p>20 that subdivision, Lincoln County, not municipal</p> <p>21 or urban -- urban folks. Urban folks won't be</p> <p>22 selecting the member of the board.</p> <p>23 HEARING OFFICER TEXEL: Okay.</p> <p>24 Thank you.</p> <p>25 BOARD MEMBER HUTCHISON: So we</p>	<p style="text-align: right;">Page 377</p> <p>1 talked about Lincoln County. Is the same sort</p> <p>2 of true in Dawson County? I see three</p> <p>3 carve-outs in Dawson County. What are those</p> <p>4 carve-outs?</p> <p>5 THE WITNESS: Those carve-outs</p> <p>6 are for Lexington, Cozad and Gothenburg.</p> <p>7 BOARD MEMBER HUTCHISON: So the</p> <p>8 same principle would apply, just not as big of</p> <p>9 a city as North Platte?</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BOARD MEMBER HUTCHISON: Thank</p> <p>12 you.</p> <p>13 THE WITNESS: And I'll point out</p> <p>14 in the Buffalo subdivision, those historical</p> <p>15 carve-outs still exist. Kearney is not part of</p> <p>16 that. They're not served.</p> <p>17 BOARD MEMBER HUTCHISON: But</p> <p>18 that's not currently part of Central?</p> <p>19 THE WITNESS: No, no. That's</p> <p>20 correct.</p> <p>21 BOARD MEMBER HUTCHISON: So if</p> <p>22 it you're looking at Central --</p> <p>23 THE WITNESS: That's correct.</p> <p>24 BOARD MEMBER HUTCHISON: Okay.</p> <p>25 HEARING OFFICER TEXEL: Mr.</p>
---	---

1 Brashear, so we've got about three minutes left
2 today because I want to stop at 5:35. Is --
3 are you at the end of a line of questioning?
4 Or, I guess, is this a good place in a few
5 minutes?

6 MR. BRASHEAR: This is as good a
7 place to break as any.

8 HEARING OFFICER TEXEL: Okay.
9 If you're going to start a new line, I didn't
10 want you to do that and then stop in the
11 middle.

12 MR. BRASHEAR: No. This is a
13 good place to break.

14 HEARING OFFICER TEXEL: Okay.
15 So I think we're going to stop here today then.
16 We will reconvene tomorrow at 8:30.

17 The doors to the building will open at
18 eight for the public. So you can come in at
19 that time.

20 I'm going to leave my things here. It
21 will be locked. I'll lock the door after we
22 leave. You can leave the exhibits up.

23 So with that, we will recess now. And we
24 will reconvene at 8:30 tomorrow morning.

25 (Recessed at 5:32 p.m.)

<u>WORD INDEX</u>		
< \$ >	110:21 111:16	12/27/22 6:9
\$10 74:14 309:20	128:14 237:9	12/29/21 5:20
337:16	340:18	12:10 173:21
\$100 61:23 71:8	1006 3:17	12:12 174:22
72:12 218:17	100-foot 284:12	12:15 174:14
309:20	100-megawatt	120 80:15
\$11 73:14	343:25	12-member 270:9
\$200 324:14	1023 2:4	12th 25:15
340:11	1050 3:17	13 147:12
\$250 340:14	1054 3:18	132 3:9
\$90 51:9 341:4	1069 3:18	14 350:22 369:7
< 1 >	1073 3:18	14-day 240:15
1 112:5 130:13	108,000 245:19	14-member 58:7
187:1, 2 205:5	1090 3:18	68:15, 16
239:4 299:7, 16	1097 5:17	15 1:15 45:25
318:12 326:16, 18	1098 5:17	202:3
327:4, 6, 9, 10, 20	10-minute 109:2	15th 8:7
329:2 353:6	10s 71:4	15-year 274:19
365:23 369:2	10-year 73:22	16 79:23 202:5, 6,
1(B 239:2 240:10	248:3 249:7	8, 9 221:20
1)(b 28:4	253:6 255:13	223:10 224:16
1,100 271:9, 10, 15	257:5	228:13 282:19
1.5 210:5, 20	11 98:10 177:9	289:10
212:19 340:2	188:1, 5, 10	1615 260:20
1/2 98:10	337:18 338:6	1650 2:16
1/4/23 4:17	11/3/11 6:5	17 327:9, 12, 14,
1/9/23 4:18	11:09 110:1	15
1:15 174:15, 17	110 300:17	175 245:20
1:20 175:1	1111 3:18	177 245:20
10 74:8 108:1	1122 7:2, 5	17th 339:16
121:18 149:7	1123 3:20	18 81:3 147:9
224:22 225:5	1128 2:11	184 3:9
226:2, 23 227:3, 5	1139 3:20	18-inch 147:11
252:14 256:11	1142 3:4, 5	19 4:2 8:3 26:18,
257:9 330:4	1143 7:2, 5	24 27:1
337:1, 3, 20, 21	1144 7:6	1920s 54:19
339:22, 24 351:20	1145 7:6	1930 267:17
368:15, 25	1153 7:6	1930s 48:19 55:9,
10/24/22 4:14, 15	12 5:2 7:2 68:7	21 56:7
10:34 92:5	99:22 108:1	1933 26:3, 6
10:51 109:5	121:18 149:7	47:20
100 66:3, 16	150:8 173:21	1937 26:11
91:20 93:13	177:8 187:22	1940 267:8, 13
	188:4, 9 268:19	1940s 275:1
	12/13/22 5:8	1941 60:2
		1950 209:21
		197 3:10
		1st 1:13 6:22
		20:15 61:1 353:8
		1-TESTIMONY
		1:7
		< 2 >
		2 4:6 39:18, 22
		40:12 58:8, 10
		73:12 77:2 112:5
		130:13, 15 176:3
		205:5 240:21
		284:14 299:12, 13,
		16 327:11, 22
		329:20, 21, 23
		330:16, 17, 20, 23,
		25 332:6 343:16
		356:17
		2/16/22 5:20
		2/3/22 4:5
		2/8/23 6:11
		2/9/23 6:12
		2:40 259:25
		20 4:3 22:13, 16,
		17 39:3 147:9
		192:23, 25 224:16
		246:4 299:9, 14
		302:11 336:18, 23
		337:4, 6 341:25
		364:25 373:20
		20,000 373:20
		200 83:9 228:18
		2000 245:17
		272:5
		2000s 56:1
		151:21 273:23
		277:1 301:25
		2004 341:12
		2006 151:12
		293:4
		2007 5:17
		2008 301:17
		201 2:5
		2011 302:9, 20

<p>2012 302:11, 15, 21 303:15 304:2 305:10 311:22 2013 302:9, 21 311:22 2014 199:22 2019 273:16 293:1 2019-E65 4:18 2019-E67 4:21 2019-Phelps 4:24 2019-Supply 4:21 2020 50:8 302:15 314:19 318:14 2021 199:23 283:21 329:19 2022 5:9 53:7 191:22 244:15, 17 245:2 272:6 301:18 302:13, 14 311:22 314:17 2023 1:15 8:7 25:15 61:2 311:4 338:1 353:8 363:17 369:2 2027 339:16 2030 363:17 205 5:12 6:15 94:21 95:5 97:12, 13 20-megawatt 74:12 299:1 21 4:3 39:4 41:17, 25 42:2 201:25 202:2, 3, 8, 10 221:20 223:11 224:16, 22 225:5 226:3 227:8, 9 282:17, 20 289:10 299:14 332:1, 2 360:11, 12 362:7, 8, 25 2-1/2 85:5, 17 129:2</p>	<p>22 4:3, 6 39:24 40:9 41:21 81:5 102:6 23 4:6 41:17, 25 57:12 179:3 187:19 188:4 350:13 352:23 369:1 230 3:10 23-38 42:2 23-member 133:15 172:21 350:1 24 4:6 353:12 24/7 106:3 240 340:14 24-hour 339:11 25 4:10 246:4 25,000 373:20 257 3:10 26 4:2, 12 260 3:10 27 4:12 28 4:15 29 4:15 2nd 6:23 20:15 < 3 > 3 2:10 130:16, 18 176:3 332:18, 19 334:24 343:16 354:13 3/11/22 6:5 3/31/21 5:16 3/31/22 6:2 3:14 260:1 30 4:18 62:1 217:23 218:6, 11, 19 262:16 340:19, 25 341:9 30,000 373:5 374:7 30,000-foot 156:24 326:24 300 2:11</p>	<p>300,000 199:6 301 1:13 8:9 31 4:18 331:2 32 4:21 33 4:21 34 4:24 237:19, 21 238:2 240:10 247:9 257:24 35 5:2 36 3:2 5:3 271:18 283:1, 5 296:21 300:20 305:2 341:11 365 285:8 37 5:3 224:1 282:24 283:1, 2, 10, 13, 17 288:21, 23 315:20 38 3:3 5:6 41:17 42:1 39 4:5, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 5:2, 3, 5, 6, 9, 11, 12, 13, 16 39:7, 11 40:20 41:21 102:6 < 4 > 4 58:10 130:19, 21 256:19, 24 257:10 40 5:9 41:18 42:1 282:10 358:3 400 237:12 402.346.6000 2:18 402.475.5100 2:13 402.475.7080 2:7 40-45 42:2 40-acre 239:11 40-year 357:16 41 4:5, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 5:2, 3, 5, 6, 9, 11, 12, 13, 16</p>	<p>370:14, 16, 21 416 4:6 417 4:6 42 3:3 5:12 94:23 98:2, 7 110:12 115:6, 17 43 3:4 5:13 98:1, 6, 7, 10 181:12 186:21, 24, 25 193:17, 18, 19 282:17 370:3, 7, 11, 12 44 5:13 123:5, 6 188:14 318:2 321:9 327:8 343:19 352:8 45 5:13 8:3 39:4 41:18 42:1 450 51:7 456 3:10 46 3:7 5:17 47 5:17 48 5:20 49 5:20 < 5 > 5 44:17 57:11 109:1 351:19 356:14 357:25 5,000 136:6 230:4 5:00 359:5 5:14 360:1 5:30 44:25 45:4, 7, 11, 13 358:1 5:32 378:25 5:35 378:2 50 5:23 24:8 28:4 136:25 298:3 338:10, 23 358:3 500 228:23 504 197:22 51 5:24 52 6:2 360:11, 12, 20, 21 361:8</p>
--	---	---	---

<p>362:1, 16 528 5:19 53 6:2 533 5:19 54 6:5 360:22 361:13, 15 362:16, 17, 18, 20, 25 55 6:5 554 3:10 559 3:13 56 6:5 56,000 373:6 57 6:9 58 6:9 59 6:12 5th 318:14 319:8</p> <p>< 6 > 6 1:4 8:14 10:8, 18 23:24 24:3 27:10, 14 28:15 47:10 58:10 68:16 176:14 178:25 188:15 189:1 190:2 268:20 6.7 105:7 146:1, 23 147:5, 6, 18, 22 60 6:13 284:10 61 3:7 6:13 610 3:13 5:20, 22, 23, 24 6:2, 4, 5, 8, 9, 11, 12, 13, 15, 22, 23, 25 7:2 62 6:15 63 6:15 64 6:15 65 6:15 653 3:13 66 6:15 663 3:13 67 6:15 677 3:13 68 6:23 68102 2:17</p>	<p>68508 2:5, 12 68920 197:23 69 6:23</p> <p>< 7 > 7 5:9 117:2, 3 247:8, 15 251:20 257:10 335:21 337:18 7/1/23 5:11, 13 70 7:2 28:8 284:10 354:23, 25 700 245:21 70-604(5) 25:21 70-604(6) 27:16 70-605(5) 24:24 70-612 28:3 70-612(1)(a) 27:16 70-612(1)(b) 24:13 27:19, 22 28:9 70-662 28:19 70-664 24:1, 6 707 3:13 71 7:2 714 3:14 72 7:2 73 7:6 75 57:13 756 3:14 762 3:14 764 5:8 765 5:8 770 3:16 79 3:9 7th 320:2</p> <p>< 8 > 8 4:2, 3, 5, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 5:2, 3, 5, 6, 8, 9, 11, 12, 13, 16 98:10 108:1 8/31/22 4:11 8:30 378:16, 24</p>	<p>80 54:16 61:13 72:8 75:3 142:16 146:16 152:19 222:24 284:10 341:23 80,000 49:7 800 237:12 80s 307:23 308:1, 6 85,000 373:1 85,000-person 271:5 850 121:2 857 3:16</p> <p>< 9 > 9 68:7 99:22 9/6/22 4:12 9:07 8:1, 7 9:30 44:17 9:45 46:18 906 3:16 90s 277:1 295:15 344:1 919 6:15 920 6:15 921 3:16 957 3:16 977 3:16 988 3:17 9th 327:19</p> <p>< A > a.m 8:1, 7 109:5 110:1 ability 15:14 94:3 108:15 116:4 146:13 210:10 272:14 274:2, 3 275:2 286:24 287:18 291:12 292:21 293:19 303:10 305:12 307:5 312:1, 7 317:15 319:1 320:10</p>	<p>323:11 324:21 335:16, 24 336:1, 2 338:10 342:5 able 22:7 78:22 100:22 111:7 146:19 151:3, 18 152:18 161:10 180:1 210:19 244:7, 11 245:3 254:1 287:6 290:10 291:1 297:8 310:10 311:23 312:15, 20 317:21 323:10 338:23 344:12, 19 about 20:14, 19 50:10 52:23, 24 55:2 61:15 62:1 63:18, 19 64:17 68:23 69:3, 18 70:11 72:18 73:4 74:25 82:19 85:2, 9, 18 86:2 87:2, 13 88:17 92:16 97:4 103:24, 25 113:21 122:4 125:1 127:9 129:10 133:18 136:1, 9, 10 137:22 138:13 142:12 146:7 150:23 153:4, 7, 16, 21 156:17 159:2, 9, 10, 17 163:13 164:12 166:8, 20, 23 167:12 168:20, 25 169:10, 24 170:17 172:1, 19 174:17 179:19, 23 181:9 191:11 196:23 200:7, 25 208:9, 25 213:14 214:5, 7 215:9 230:4 231:8 232:10 237:8, 9, 16 239:7</p>
--	---	---	---

245:8, 20 246:17, 18 253:18 265:1 267:10 268:7 273:2, 8 274:10, 23 279:20 280:5 282:13 283:8 284:1 287:22 289:14 290:5, 8, 12 292:19 293:19 294:2 296:23 297:25 298:15 299:12, 14 303:10 304:6 306:7 314:4, 8 316:24 317:14 318:12, 19 319:9, 23 324:7, 22, 23 329:14 333:24 335:13, 15 337:6 339:6 340:11 341:25 343:21 344:4 352:5 353:6 356:1, 17 362:21 365:13 371:17 373:5, 6 377:1 378:1 above 241:7 284:15 288:19, 23 289:22 364:9, 17 above-described 247:17 absent 29:24 164:4 182:13 absolute 87:17 139:5 Absolutely 44:8 83:18 85:1 88:3 89:25 122:15 127:2 128:6, 17, 25 132:16 134:2, 4 142:6 145:19 150:9 186:19 245:16 268:10 282:10 305:22 353:5 355:19 absorb 357:7	accept 22:16 26:24 41:17, 25 accepting 58:12 access 245:10 307:6 accident 38:10 accolade 246:7 accomplished 61:16, 17 according 227:24 242:8 255:7 account 59:15 271:12 Accountability 6:13 59:2 94:16 115:15 accountable 52:3 53:20 56:23 57:2 82:23 179:13 accounting 298:13 342:15 344:5 346:24, 25 353:18 accounts 271:9, 10 342:15 373:8 accumulated 61:22 accurate 37:14 224:25 376:6, 8 accurately 60:20 achieve 59:14 276:2 achieved 47:21 achieving 48:11 acknowledged 56:3 acquires 126:2 acquisition 84:20 acre 210:6, 20, 22 212:19 240:15 acre-feet 210:5, 20 212:19 284:14 acre-foot 210:22 240:14	acres 136:6 199:6 215:4 245:19 289:6 acronyms 76:24 77:24 across-the-board 91:6 Act 28:13, 23, 25 276:4 action 36:8 actions 58:22 118:16, 20, 24 activities 374:21 acts 20:20 actual 318:21 328:18 356:19 Adams 269:1 270:5 add 16:1 39:19 88:7 164:4 201:6 245:6 356:25 added 26:10 374:5 addition 49:21 67:23 69:19 75:25 207:2 219:19 additional 11:3 25:12 32:21, 25 36:8 51:8 55:19 63:6 70:22 129:22 137:23 164:7 236:5 address 8:11 19:21 21:21 33:18 38:1 47:5 53:2 57:21 79:20, 23 80:12 114:4 178:5 197:21 217:6 260:18 334:3 354:1, 4 addressed 25:16 26:7 28:25 175:25 354:9 addresses 39:16	adequate 198:13 277:4 291:9, 15 306:13 314:20 adequately 70:8 281:6 adjacent 75:22 adjourn 44:2 adjudicate 249:22 250:4 adjust 212:21 adjustments 302:20 administration 73:2 administrative 35:5 153:8 199:5 admissibility 25:14 26:21 31:9 adopt 350:10 365:10 advantage 293:22 294:5 337:11, 16 344:18 advantageous 317:22 advise 325:2, 18 Advisory 5:12 6:15 98:5 116:13 advocacy 12:7 advocated 15:11 affect 94:8 99:16 116:23 290:18 305:23 affected 276:3 affects 82:19 114:12 282:2 affiliation 12:5 affirmative 28:16 affordable 60:11 355:10 after 20:9, 17, 20, 21 21:15, 23 23:6 43:14, 17 44:25 45:10, 13 46:3 60:15 66:10, 18 68:11, 12 127:16
---	---	---	---

172:9 173:15, 21 218:4 252:14 261:19 280:19 291:3 357:25 358:1 369:9, 10 378:21 afternoon 261:3, 4 304:12 ag 49:8 80:9 254:18 331:15 335:18 again 8:8 28:3 33:11 34:22 35:25 37:2 54:23 92:6 115:24 143:17 146:8 171:20 190:3 201:8 245:2 251:15 266:9 276:22 277:8 280:1 284:16 299:9 302:10, 23 305:14 306:21 307:7 309:16 317:4 318:16 319:19 323:7 325:21 326:19 329:6 330:18 333:11, 13, 16 337:24 338:11 339:3 344:17 347:13 348:18 349:10 354:5 360:11 362:24 367:17 372:22 Against 61:7 75:23 83:20, 21 153:24 182:5 295:11 365:7 Agency 244:23 agenda 20:9, 18 88:17 agendas 130:2 ago 54:16 85:5, 17 90:12 94:6 115:20 121:7	142:2 209:1 237:10 266:1 302:17 agree 61:9 79:3 93:17 118:24 126:10 133:3, 20 134:14, 23 135:19, 22 136:2 138:4, 8, 21 141:12, 18 143:5, 12 144:2, 8, 15 145:2, 4, 7, 10 146:20, 21 148:23 150:1, 13, 14 151:13 152:10 153:3 154:17 155:20 156:1 161:7 164:6, 18, 22 165:2 173:5 201:3 236:9 238:19 239:22 240:24 242:4 245:15 250:21 251:6 296:24 305:6 334:15 351:12 354:11 agreed 25:8 31:3 36:1 38:19 43:5 45:19, 25 127:7 142:2 149:22 165:19 195:23 196:1 231:3 Agreement 4:20, 21, 23, 24 37:6 38:15 42:22 43:2, 3 53:13 143:2 144:21 159:20, 21, 22 160:3 171:13 175:22 176:1 185:1 205:10 209:8 231:14, 16 235:21 238:5, 9 240:13 242:8 247:8, 18, 25 248:4, 10 249:1, 3, 4, 12 250:23, 25 251:2, 9, 12, 16	252:13 258:1, 4, 5, 10, 13 274:8 275:9 276:6, 10 277:14 278:12, 13 279:2, 3 298:20 300:23 301:1 304:15 317:5 320:24 356:14 agreements 59:7 117:13, 16, 21, 23 118:19 143:6 145:6, 22 146:13 209:17, 25 231:1 236:7 237:17 238:21, 22, 23 248:9, 11 249:7 250:20 251:4 258:14 272:19, 21 273:7, 25 274:6 280:5 agrees 240:16 agricultural 144:3 agriculture 48:2 60:11 63:1 335:14 ahead 83:23 89:12 192:12 248:19 257:3 273:19 274:13 322:24 352:6 356:13 air-conditioner 105:23 air-conditioning 106:24 alfalfa 80:10 algorithms 263:21 align 67:5 69:2 310:13 aligned 185:17 alignment 69:5 allocate 105:4 151:19 154:8 210:21 215:22 243:9 244:8	allocated 105:7 146:1 199:7 251:10 252:4 290:9 allocating 151:8 290:9 allocation 134:18 147:11 210:14, 17 211:13, 21 250:13, 14 290:14 296:6 302:2 363:22 364:6, 15, 20 365:3, 4, 16, 18 allocations 147:18 231:5 233:3 250:21 279:23 allotment 290:10 allow 19:24 70:15 248:5 249:5 287:9 291:2 322:6 358:23 allowed 13:10 72:12 97:9 104:17 133:5 143:7 322:11 353:22 allows 246:11 247:1 250:24 289:25 allude 69:22 alluded 61:15 72:17 267:2 alluding 96:20 Alma 197:22 almost 95:15 306:25 315:3 alone 333:12 along 103:7 210:12 229:22 230:1 236:8 273:6 286:6 288:6 303:11 313:5 345:15 369:24
---	--	--	--

<p>alphabetically 133:17</p> <p>already 21:25 22:4 25:8 26:19 40:16 108:5 144:25 249:1 251:5 339:10 349:17 366:3 369:20</p> <p>Alternatives 4:9</p> <p>although 10:15 62:21</p> <p>altogether 237:11</p> <p>always 67:4 69:16 73:19 91:18, 21 113:5 143:1 144:1, 4 145:19 146:19 150:20 211:18 241:22 329:11</p> <p>AMEND 1:6 191:2, 4 365:24 366:15, 18 367:11, 16, 21 368:1, 13</p> <p>amended 59:10 154:18 176:16 357:7 368:20, 23 369:4, 16</p> <p>AMENDMENT 1:4 8:14 10:8, 18 23:24 24:3 27:10, 14 28:15 47:10 116:11, 21, 23 181:16 183:9, 14 186:14 353:11 356:25</p> <p>amendments 49:16, 18 50:3 54:24 57:16 59:25 127:18 133:5</p> <p>amongst 50:11</p> <p>amount 152:3, 13 210:4, 7, 19 212:15, 17 217:15, 22 218:4, 10</p>	<p>239:7, 12 240:12, 17 244:19 245:16 284:14 290:24 301:22 313:9 343:1 358:12</p> <p>amounts 355:14</p> <p>analysis 18:10 71:23 326:20</p> <p>analyze 14:21 15:15</p> <p>ancillary 137:23</p> <p>and/or 27:11 335:24</p> <p>angle 339:15</p> <p>animals 114:12</p> <p>announce 29:21 34:19 46:19 92:4</p> <p>announcement 318:13, 15 319:8</p> <p>announcing 320:6, 7</p> <p>annual 51:8 240:21 364:13</p> <p>annually 55:15</p> <p>another 13:16 18:1 22:24 37:24 50:6 114:1, 3, 18 121:3 142:19 154:1, 6 168:1 221:10 224:3 232:22 235:24 252:4, 16 289:22 298:5 302:10, 11 349:10</p> <p>answer 31:14 37:20 129:7, 19 137:2 142:1 155:4, 8 170:4 171:19 172:17 208:8 220:22 290:14 304:17 316:19 368:5</p> <p>answerable 65:17</p> <p>answered 37:17 108:20 257:6</p>	<p>Answers 6:15, 23 255:10</p> <p>anticipates 240:11</p> <p>anticipation 15:1</p> <p>antiquated 246:18</p> <p>any 13:22 14:3, 18 16:8 20:4 21:8 22:14, 15 24:19 28:20 30:7 31:21 35:17 38:15, 17 40:4 43:7 55:9 58:19, 23 59:3 64:19, 22 65:24 67:9 71:24 75:9, 10, 12, 17 78:11, 12 81:16 84:17 86:1, 19 87:14, 15, 18 92:16 97:9 116:5 129:22 135:3 145:7 157:5, 19 177:4, 14 184:9 190:13 231:13 233:17 234:11 242:3 252:3, 7, 20 254:4, 22 258:19 259:1, 4 270:23 271:2, 7 273:5 285:20 290:13 294:8, 19 304:14 307:21, 22 312:18, 24 326:23 330:8 347:18 357:13 378:7</p> <p>anybody 119:12 135:4 248:25 251:9</p> <p>anymore 100:4 324:10</p> <p>anyone 86:17 146:23 250:4 343:9 367:15</p> <p>anything 20:5 30:3 32:15 35:1 78:1 94:7, 12 99:15 116:5</p>	<p>161:5 186:2 201:6 229:21 334:18 372:24</p> <p>anyway 13:19 155:13</p> <p>apologies 328:25 370:16</p> <p>apologize 33:6 101:22 110:16 180:16 230:23 283:5 311:14 328:23 360:8 374:17</p> <p>apology 148:9</p> <p>apparently 319:12 361:12</p> <p>appeal 22:6</p> <p>appearance 203:22</p> <p>APPEARING 2:1, 8, 14</p> <p>appears 71:23 225:8 253:25 293:8 301:14 320:1</p> <p>appellate 76:23</p> <p>application 16:10 70:20 76:12 200:15</p> <p>applied 201:12 282:9</p> <p>apply 27:17 200:18 276:24 287:21 377:8</p> <p>appointed 12:21 13:16</p> <p>appointment 19:25</p> <p>appreciable 297:24</p> <p>Appreciate 186:8</p> <p>approach 243:25 322:3</p> <p>approaching 51:9 61:23</p>
--	--	---	---

<p>appropriate 311:1 appropriated 64:2 appropriation 89:8 213:21 227:24 248:13, 18 249:2 250:8 appropriations 232:7 239:9 247:16, 20 248:2 251:22 approval 8:20 10:7 23:23 24:2, 17 36:6, 25 47:13 49:18 54:8 57:15 252:5 320:1, 8 367:15 approve 8:12 24:7 47:9 58:14 59:22 60:24 70:19 126:25 130:22 158:21 311:18 320:21 327:19 approved 12:24 62:15 133:4 158:25 159:1 181:17 353:9, 10 368:10 approves 127:17 186:13 approving 24:23 292:14 approximately 44:15 121:2 163:14 174:13 199:6, 25 200:1 207:9 245:19 271:10 298:3 299:2, 9 300:17, 19 373:1 April 327:19 329:19 aquifer 89:18 273:9, 11 274:4 275:15 279:23</p>	<p>281:1, 5 290:25 291:6 arbitrarily 254:10 architect 266:14 are 8:8 9:4 10:24 11:22 14:16 15:14 21:17 22:23 23:9 24:9 25:1, 4, 9 27:5, 19 28:5 29:2, 4, 8, 11 34:23 36:4, 20, 22 40:8, 24 41:9 42:3 43:11, 12 45:6 47:3 48:5 49:3, 8 50:22 51:6, 15, 17, 21 52:1 55:4 56:12, 24 57:8 59:22, 25 60:5, 9 61:18 62:8, 17, 18, 23, 24 63:8, 10, 11, 15 64:24 65:6, 9 66:4, 6, 10, 13, 24 68:2, 13 69:2, 8, 18 70:3, 4 73:15, 21 74:13, 15 75:13, 15 77:17 78:2, 8 80:11, 12, 23 82:22 83:6, 12, 25 86:25 88:6 89:11 91:3 92:1 93:7, 25 95:17 96:5, 7, 18 97:5, 7 99:22 100:10, 13, 15 101:1, 2 102:2, 3, 10 104:4, 6, 12, 17 105:14 106:11, 12 109:3 110:19, 25 111:2, 7 112:13 115:11, 19 116:3 117:3 118:19 119:19, 25 120:2, 11, 14 121:1, 4, 8, 12, 16, 18, 20, 22 122:5,</p>	<p>12 123:3 124:9 128:14 132:11 133:2, 5, 25 134:21 135:24, 25 136:4, 6, 12, 13 137:3, 4, 19, 20 138:14, 22, 24 139:7, 9, 10, 11, 13 141:6, 24 142:24 143:18 144:13, 25 146:10 150:15, 19 152:22 154:16 156:14 159:8, 25 160:8, 16 161:19 163:2 166:10, 13 167:2 168:7 171:8 172:18 173:2, 4 174:11 175:23, 24 177:18 178:9 179:15, 16, 25 180:10, 18, 21, 25 181:1, 5, 8, 24, 25 183:13 184:1 187:8, 10, 11, 13, 25 188:9 189:23 192:4, 6, 18 193:23 194:11, 20, 24 195:1 198:5 200:20, 21 207:14, 20 208:12, 13, 20 209:10, 24 211:5, 9, 20 214:3 216:2, 4, 8 217:4, 18 219:1, 20, 23 220:4, 24, 25 221:3, 9, 22, 25 222:3 225:4, 5, 6 226:3 229:25 230:8, 13, 25 231:10 232:6, 11, 24 234:21 235:8 236:9, 11 238:12, 15, 20 241:21, 25 242:5 244:17 245:10, 24 247:20 248:11 252:12</p>	<p>256:19 258:14, 16 263:25 264:6 266:21 267:7 268:14, 16 269:14, 17, 23 270:10, 18, 20 271:3, 19 272:7 273:3 274:1 275:13 276:3, 22 278:17, 25 279:6, 17, 25 280:16, 21 281:24 283:9 284:21 285:16 286:16 287:17 288:8 292:1 294:9, 17, 20 296:10 297:1 299:16, 18 304:10 307:3, 5 308:15 310:6, 14, 24 313:23 314:2 317:7, 9, 20 318:7 319:9 321:7 323:10, 11, 15, 20, 21 324:22 334:10 335:6, 7 337:23 339:8 340:19, 24 341:6, 7 342:13 344:23 345:10, 13, 19 348:12, 21, 25 350:5 354:21, 23, 24, 25 355:1 356:5 361:2 364:16 366:8 369:15 370:20 371:10, 16, 22 372:2, 23 373:18 375:13 376:19 377:3, 6 378:3 area 49:2 68:2, 7, 17 80:17 83:2 90:14 91:1 129:21 131:10 136:4 141:20 180:14 182:1, 6 205:7, 12 206:4, 16 207:2, 25</p>
--	---	--	--

214:18 216:19, 22 220:11, 12, 20 221:21 222:6, 9 224:6, 9 229:19, 23 230:13, 15 231:9 233:12 245:8, 12 270:1 280:9 281:11 282:2 284:2, 25 285:5, 10 288:23 290:18 295:19 303:12 323:18 333:20 351:3, 5, 12 370:25 371:13 areas 163:1 194:10, 20 219:20 220:2 284:21 361:22 363:15 371:16 arena 169:22 263:15 aren't 25:1 67:4 69:9 137:15 138:7 143:15 152:2 278:7 Arguably 40:8 argue 27:5 31:7 67:6 86:24 139:8 161:22 argument 18:7, 15 78:9 293:8, 11 295:3 arguments 11:19 13:2 31:13, 23 32:1, 2 97:19 arm 276:8 324:10 arrangement 209:5 arrangements 317:17 arrive 18:14 Article 4:12, 17, 18 articulated 268:14	aside 72:12 132:4 274:23 364:11 asked 20:12 59:22 127:9 129:5 158:6 159:9 166:8 172:6 211:4 255:11 256:1 358:4 asking 47:13 98:19 134:13 160:13 208:8 asks 47:8 assert 57:23 assertion 162:10 assessment 71:21 333:2 360:16 361:5 363:12 asset 74:4 364:17 assets 51:8 72:2, 6 153:17 156:5 324:14 340:11 356:23 357:7 assist 200:16 327:5 assistance 326:13 assistant 199:2 263:1 assisted 266:12 associate 16:13, 17, 23, 25 associated 298:17 Association 12:6 15:13 16:8 76:21 assume 9:11 209:16 296:16 308:11 312:22 319:18 325:25 326:1 338:17 350:10 assumed 172:12 assuming 28:13 36:25 127:16 300:25 358:15	Assumption 5:6 56:15, 16 assumptions 13:22 attach 104:12 attached 89:9 125:8, 13 209:10 213:25 247:16 attend 14:25 29:20 attendance 181:16 attendees 331:7 attention 239:2 318:1, 5 363:21 365:23 366:13 370:2 attorney 35:7 61:6 attorneys 9:9 33:20 209:20 248:14 attrition 369:9, 10 audience 34:2 Audio 7:6 auditor 323:23 auditorium 237:9 auditors 323:23 authority 37:5 57:8, 10 169:6 253:18 256:11, 18 308:16 349:20 authorize 57:14 authorized 28:16 78:12, 15 automatic 164:5 automatically 106:9 automation 263:10, 21 availability 51:20 104:22 available 108:7 202:12 213:2 239:8, 15, 21 240:19 241:23 242:1, 12, 16	305:18 Avenue 260:21 average 299:2 341:15 avoid 35:17 avoided 244:8 avoiding 38:11 aware 21:18 51:1 84:22 101:20 157:8 160:8, 22 244:17 313:1 319:14 352:10 356:21 awful 153:15 < B > back 13:12 32:11 45:11, 12 46:15, 19 65:13 70:21 80:15 84:21 92:4, 5 95:14 99:19 100:16 105:5 109:3 110:4, 10 113:6 124:3 127:22 142:22 147:15 157:21 165:2 167:20 172:9 173:13, 24 174:17 181:15 195:7 209:21 225:22 226:1 231:20 234:10 260:4 264:22 265:25 273:22 274:4 275:2, 14 276:25 280:1, 17, 19 281:7, 15 283:6 290:1, 3, 11 309:24 310:10 314:18 315:18, 23 327:7 336:3 339:3, 14 340:23 341:11 343:19 347:5 352:7 359:2 360:6
--	--	---	--

background 25:20 31:11 135:16, 17 157:20 324:19, 20 353:17	271:23	216:15, 23 219:4 220:4 221:3 223:12 232:19 233:25 234:10 241:4 243:4 249:13 252:17 257:23 258:20 265:5 282:24 302:18 321:2 325:1, 17 327:25 331:3 332:5 340:13 342:12 350:5 351:14 358:17 375:23	benefiting 60:21 139:10 208:20 313:13 benefits 49:2, 3 52:25 60:19 72:3, 5, 15 73:1 140:12 153:12 220:15 285:12 294:25 313:14 333:3 360:14 best 23:24 53:18 57:6, 9 60:1 64:12 65:3 70:24 76:7, 8, 9 129:20 130:8 131:2 142:9, 12 210:10 214:13 290:15, 16 291:18 317:11 328:1, 12 329:7 332:24 335:10 bet 204:8 223:23 better 52:16 246:25 273:20 275:4 287:10 306:4 333:19 339:1 375:20 376:3 betterment 170:25 beyond 54:11 92:21 262:1 265:22 322:8 323:14 364:18 bias 12:4 14:18 biased 14:16 big 206:3 222:22 223:5 280:11, 12 281:13 282:15 284:1, 3 288:3 289:15, 18 294:9 315:19 341:25 377:8 bigger 131:16 314:3 bill 218:6, 14 billed 217:22
bank 340:19 bankers 49:11 bartenders 49:12 Base 280:18 350:13 based 11:14 31:13 32:2 40:4 89:19, 20 97:19 112:22 147:10 162:11 175:19 183:23 338:9 369:16, 23 Baseline 212:24 basements 267:25 basically 99:3 213:12 284:9 298:21 374:2 Basin 49:5 203:12 270:2 279:6 basis 178:5 211:14, 16, 18 253:23 257:7 269:18 337:8, 17 339:5, 21 Bass 79:23 Batie 3:20 battle 122:25 Bay 79:23 beach 211:8 bears 239:13	beat 129:3 Beatrice 142:19 beauty 281:16 bed 289:24 began 53:8 267:18 333:24 beginning 51:11 55:10 87:7, 20 105:22 188:4 199:23 336:16 368:24 behalf 11:11 12:7 15:11 34:15, 17 39:9 47:5 78:13 79:3, 16 101:23 197:13 233:7 260:13 belief 18:9 134:3, 4 189:10 believe 10:3 13:3 14:7 26:6 29:19 36:19 38:6 39:4 40:18, 21 44:11 45:1 56:14 65:1, 10 67:3 70:7, 24 77:15, 16 78:17 86:3 88:4 91:23 93:11 97:6 110:11 114:5 115:16 118:2, 24 120:2, 7 121:6, 7, 10 128:15, 19, 21 129:9 130:8, 10 131:1, 8, 15 133:17 136:6 137:8 138:10, 12, 15, 19, 21 139:5, 6, 19 140:1 141:1 146:12 158:7, 23 159:16 166:15, 17 167:18 169:7 170:22 175:5, 18 183:12, 17 184:1 189:22, 25 196:13 207:12 208:18	Bellevue 265:10 belong 64:1 209:11, 12, 13 213:11 beneficial 107:8 249:15 250:11 255:1, 22 256:5 280:20 303:2 beneficially 247:20 249:22 250:5 253:2, 14 254:2 255:6, 12, 16 256:10 257:12 273:18 benefit 34:2 44:10 48:1 49:14, 23 50:14 56:6 60:6, 12 62:4 67:10, 11 69:7 74:16, 23, 24 88:10 137:23, 25 138:7 141:13 144:11, 22 161:8, 24 200:12 220:18 233:3 234:24 235:3 246:16 265:2 275:6 284:16 285:9 287:16 293:9, 13, 16 295:2, 5 296:2 318:25 323:13 benefited 245:14	

218:5, 10 billions 71:5 bills 106:17 bind 132:21, 23 159:22 binding 70:5 171:9 349:18 365:4 bird's-eye 156:23 Birkett 4:2 25:15 30:13, 19, 22 34:20 366:4 bit 10:19 54:14 105:19 179:22 200:9, 25 204:7 213:14 228:8 230:23 265:24 284:20 285:15 288:16 309:12 310:19 314:4, 22 317:17 355:25 black 125:12 blank 258:3 BLANKENAU 2:4 34:5 blessed 84:4 blew 216:22 block 223:5 blue 180:25 181:9 187:10 206:11 214:18 216:19 219:20 220:12 221:9 222:22 225:4, 6 284:1, 4 289:16 301:8 363:21 364:14 BOARD 1:2, 17 3:2 5:20, 22 6:9 8:12, 21 9:11, 12 10:10, 12 11:16 12:15, 16, 19, 20 13:4, 10, 23, 24 14:2, 9, 14, 23 15:21 16:15 17:7, 13, 16 18:2, 9, 16	19:7, 11, 17 21:21 22:20, 22 23:2, 10, 12, 14, 15, 18 24:8 25:3, 6 28:1, 16 29:3, 6, 10, 11, 17 30:5, 14, 25 31:15 32:4 33:7, 9, 16, 21 34:20 35:3, 7 36:5, 8, 21, 22 37:1, 9 44:16, 21, 24 45:22 46:3, 13, 17, 21, 23 47:14 52:14 53:16 58:7, 24 59:1 62:16 63:23 64:10, 21 65:17 66:3, 11, 12, 16 67:7, 16 68:8, 10, 15, 16 70:14 75:19, 20 78:14, 23 79:1 80:22 81:3, 8, 11, 13, 17 83:6, 10, 11, 15, 16, 23 84:7 85:20, 22 86:4, 20 87:6, 24 88:14 90:15 91:12, 19 92:4 93:12, 19 95:16, 17, 20 96:4, 14, 16, 18 97:21, 23 98:7, 21, 24 99:4, 7, 18 100:1, 4, 11, 13, 14, 24 101:5, 7, 10, 14, 18 102:9 103:17, 19 104:2, 19 105:3, 9, 17, 25 106:19 107:11, 17 108:4, 18, 23 110:13, 17, 25 111:14 112:11, 12, 18, 19 114:17, 24 116:1, 8, 15, 20, 24 117:11, 16, 19 118:17, 20 119:4, 22 120:1 121:9, 15 122:22 126:25 127:12, 17 128:12,	16 129:25 130:4 132:6, 22, 25 133:6, 11, 12, 15, 17 134:6, 8, 15 135:3, 14, 15, 23 136:9 140:24 143:1 144:11 146:1 158:15, 16 160:24 161:14, 16 162:10, 20 163:18 165:4, 7, 16 166:5, 18, 20, 22 167:13, 21 168:5, 14, 19, 20, 25 169:4, 12, 17, 18, 23, 25 170:5, 7, 15, 17 171:1, 7, 12, 21, 24 172:12, 21, 23 173:9, 11, 19, 25 174:3, 5, 7 175:5, 10, 15, 21 177:3, 11, 14, 16, 22, 24 178:3, 6, 12, 18 179:5, 8 180:8, 13, 20, 23 181:13, 17, 19, 20, 23 182:3, 4, 9, 16, 22 183:5, 11, 16, 22 184:4, 7, 10 185:4, 6 186:13, 22, 25 190:8, 13 191:2, 6, 7, 12 192:7, 14, 15, 21 193:2, 4, 6, 9, 13, 19, 23 194:7, 15, 19, 23 195:10, 15 196:25 202:23 207:18 208:7, 16, 19 210:9, 18, 24, 25 211:2, 5 212:20 213:7, 9 214:1 215:7, 15 216:12 217:5, 21 218:3, 15, 24 219:6, 8, 10, 15, 17 220:1, 7 226:12, 15 227:13, 17, 25	228:4, 9, 12, 21, 24 229:3, 6, 9, 14, 16 230:3, 6, 12, 17 240:5, 8 241:10, 14 246:16 253:21 254:9, 19, 25 256:17 257:2 258:1, 12 259:1 264:3, 10 266:16 268:8, 10, 11, 17, 19, 20 270:10 274:15 278:22 285:21 286:5, 8, 10, 13 287:2, 5, 12 288:1, 25 291:21 292:4, 8 293:7 295:1 304:5, 23 308:19 310:18 311:18, 19, 23 312:14, 25 313:4, 19 316:20 321:2 322:19, 20 327:1 329:19 330:23 334:1 336:13, 21 337:13 339:22 340:4, 8, 15, 24 342:7, 18 344:13 345:17 346:7, 9, 14, 19 347:2, 7, 10, 14, 15, 17 348:7, 10, 11, 14, 16, 24 349:2, 8, 12, 19 350:1, 7, 11, 13, 16, 21, 22, 24 351:2, 6, 10, 24 352:1, 23 353:3 354:12 356:21 358:19 360:9 362:1 366:2, 17 367:14 368:4, 8 369:1, 6, 7 371:13 373:2 374:18, 24 375:4, 7, 12, 16, 25 376:4, 7, 18, 19, 22, 25 377:7, 11, 17, 21,
---	--	--	--

<p>24 boardroom 86:18 boards 36:3, 20 51:21 52:13 59:12 66:10 126:20 133:12, 14 158:9 159:4, 11 169:8, 23 180:9 188:9, 10 319:5, 6, 9, 12, 17 324:25 352:20 365:9 board's 23:13 24:22 25:16, 18 28:24 36:6 70:19 77:16 85:23 132:11 211:17 311:19 320:8 350:3 body 178:13 bold 50:3 54:15 bolters 273:10 bond 307:22 308:3 334:8 345:11 353:18 bonding 307:21 bonds 24:22 26:1, 5, 10, 15 31:2 308:6, 9, 11, 14 342:25 345:10 346:6 book 51:8 237:7 340:14 bookends 92:6 bottom 94:9 182:19 235:15 284:3 309:14 Bound 3:2 36:4, 5, 12, 13, 14, 22, 24 boundaries 27:11 bow 19:5 box 129:9 363:21, 22 364:9, 14 boxes 229:20 Brashear 2:8 3:7 34:11, 19 38:22 41:3 43:9 46:8,</p>	<p>22, 25 77:6 78:3 79:11, 14 80:4 90:4 92:9 94:22 95:2, 15 98:2, 4, 8, 18, 22 101:16 110:6, 7, 15 115:1, 2, 4 116:25 118:13 119:16 123:13, 20, 22 124:8, 15 125:10, 15, 20, 21 131:22 175:8, 13 184:11, 12, 16, 19 186:1, 8, 9 188:13 189:9, 12, 14, 16 190:6, 22 192:1 193:18 196:20 198:2 199:18 200:5 202:1, 6, 7 207:7 208:24 213:7 221:12, 18 224:17 226:7 257:18, 22 258:23 259:9, 10, 17, 21 260:6, 10, 23 261:2 274:23 282:18, 22 283:2, 3, 11, 14, 16 285:16 286:9 289:12 296:14, 18, 19 300:15 304:18 305:1 316:22 321:8, 12, 15 328:16, 24 332:16 352:3 357:21 358:11, 17, 22 360:4, 5, 19 361:4, 9, 12, 23 362:8 363:9, 25 364:4, 5 366:7 367:9, 19, 24 369:14, 21 370:1, 7, 11, 13, 15, 19 372:16 378:1, 6, 12 breached 256:9 257:11</p>	<p>break 33:15 43:14 44:18 108:24, 25 109:2 110:8 115:7, 10 173:12, 22 174:2 259:13, 16 357:24 358:5 359:1 378:7, 13 breathe 82:14 breathing 83:18 Brent 191:16 Bridget 1:21 29:11 Brief 6:23 155:12 briefly 298:1 bright 371:7 bring 8:19 60:3 84:21 91:4 111:21 169:22 294:23 bringing 291:16 brings 273:11 Broad 119:4, 6 268:6 broader 37:19 brother 293:2 brought 25:2 82:16 167:8 237:12 246:19 258:14 Brundage 3:10 4:12 84:13, 14 168:7, 12 259:11, 14 260:7, 9, 12, 20 261:3 271:17, 19 282:23 283:17 296:20 300:16 305:2 316:23 318:5 331:25 332:2, 17 334:14 352:4 360:6 363:10 365:22 366:8 370:20 372:17 B-R-U-N-D-A-G-E 260:20</p>	<p>Buffalo 195:3 205:22 226:17 281:22 371:14 374:6 377:14 build 69:22 131:19 265:13 290:2 334:9 350:4 Building 2:16 8:9 45:3, 12 378:17 building's 45:1, 7 built 54:6 62:24 72:8 142:3 236:23 276:25 289:21 bunch 87:11 229:20 Bureau 6:2 275:23 business 24:11 28:10 49:11 161:1 185:7 businesses 106:13 335:12, 17 button 228:20 buy 106:8 335:7 buying 74:13 160:17 buys 67:22 141:23 bylaws 37:10 133:10, 13, 19 176:17, 18 178:15, 16 179:1 188:19, 20, 22 190:1, 9 191:2, 4 350:4, 5, 14 351:13 bypasses 315:14 by-product 112:25 113:19 < C > cabin 88:9 120:18 272:15</p>
--	---	---	---

<p>cabins 48:23 121:2 Cairo 261:6, 8, 9, 10 California 106:23 call 14:3 31:17 32:1 38:7 78:3 79:11 89:11 151:8 165:14 196:20 216:17, 24 233:10 259:10 260:6 272:11, 17 274:19 278:17 318:1 357:24 358:2 359:2 363:20 370:2 called 39:8 77:21 79:16 106:5 197:13 209:7 227:1 260:13 270:3 277:2 354:21 Calling 3:3 31:21 77:17 356:2 calls 90:13 154:24 155:10 189:7 190:4 344:12 367:8 can 9:5 12:15 15:16 16:1 22:22, 24 23:15 30:7, 10, 13, 14 31:2, 4, 6, 17, 22 36:18 41:17 44:23 45:4, 8 46:15 58:16 73:20 74:4 88:23 96:15, 19 97:19, 21 106:8 107:24, 25 108:10 110:13 112:9 113:22 114:4, 10 115:23 119:21 120:23 131:13 138:13 142:10, 13 146:3 147:4 150:13</p>	<p>155:1, 8 161:17 167:24, 25 171:19 173:7, 22, 23 174:18 175:15 180:20 195:20 196:16 198:15 202:16 203:9 213:13, 15 214:2, 9 217:5, 15 218:8 219:22 221:10 225:23 226:12 229:5 232:15 248:12, 18 249:6, 12, 22 250:3, 7, 8, 12, 13 254:12 257:8, 10 264:15 265:21, 22, 25 270:24 271:11, 13 273:2, 12, 22 278:8, 9, 22 279:9, 16 280:11, 25 281:4, 7 282:3, 9 283:24 287:20 288:13 290:6, 22 291:13, 17, 19 293:18 294:8 295:12 303:7, 19, 22 304:5, 16 306:22 309:14, 15 310:8, 12, 22, 25 314:4, 13 316:17 317:10 322:2 328:17 335:5, 7 336:8, 9, 22, 25 337:8 338:15 339:2, 17 341:12, 15 342:19 344:17 345:3 361:2 363:6 364:12 367:5, 11 371:9 373:10 378:18, 22 Canal 4:21 108:11 205:6 216:24 217:8 225:6, 17, 18, 25 226:4, 25 227:16,</p>	<p>22 229:24 230:1 238:13, 16, 18 254:17 258:6 287:23, 25 292:18 303:12 339:9 349:6 canals 65:9 71:7 207:14 222:5, 8 225:1, 23 226:19 232:11 234:24 273:10 284:23, 25 289:23 290:13 315:20 316:3 348:22 349:1 canal-system 211:14 cancel 255:14 cannot 35:1 115:12 119:22 130:5 308:7 can't 9:1 35:6, 10, 14 45:2, 11 84:3 91:23 94:6 103:7 114:20 137:2 140:3 146:25 157:13, 25 161:16, 20 166:14 170:4 172:17 213:23 217:12 218:11 230:7 254:4, 10 290:2, 18 312:14, 20 338:19 341:7 capability 212:20 capacities 79:8 capacity 25:17 78:23, 25 263:24 298:2, 24 299:7 capital 306:15 307:2, 10, 16 capitalize 275:5 307:7 Capitol 266:13 358:2 captioned 123:7</p>	<p>271:22 car 38:9 carbon 335:15 carbon-free 185:8 care 81:23, 25 138:13 143:7 198:15, 16 298:17 306:15 342:6 344:19 358:6 carried 82:7 209:15 carry 14:17 178:15 258:15 cart 64:16 carved 373:16, 18 carveout 74:9, 10 carve-outs 377:3, 4, 5, 15 carving 296:4 case 89:10 104:14, 23 208:18 255:3 309:8 345:23 cash 218:18 343:2, 3, 5 346:22 cat 129:3 category 236:16 332:21 caught 30:2 cause 157:14, 23 caused 267:24 caveats 337:23 cease 356:15 Centennial 1:14 8:10 center 48:16 246:1 CENTRAL 1:4 2:1, 8 5:17 6:9 8:13 9:13, 15 10:5 15:10 16:6, 11, 12 24:10 28:9 34:7, 12 36:21 39:3, 9 40:14 41:3, 6, 7 46:6 47:2, 3, 6, 7, 10, 18,</p>
---	--	---	---

20 48:4, 6, 11, 13, 17, 18, 22 49:6, 13, 20, 24 50:6 51:14 52:7, 9 53:9 54:3, 16, 18 56:4, 6, 18, 22, 23 57:1, 4, 9 59:1, 3, 5, 17 60:1, 9, 13, 16, 22, 23 61:11, 16 62:2, 10, 23 63:12 64:1, 4, 13 65:4, 5 66:4, 12 67:20, 21, 25 68:8, 20 69:24 70:24 71:1, 3, 14, 24 72:9, 12, 16 73:7, 17 74:18, 24 75:2, 3, 11 76:1, 5, 7 78:2 80:20, 22, 23, 25 81:2 82:4, 7, 9, 10, 11, 19, 20, 23 83:2, 24 85:15 86:24 87:2, 18 88:9, 10, 11 90:7 92:11 95:18 96:7 97:1, 8 99:2 101:4, 11 104:13 105:12 107:23 110:24 115:11 116:4, 10 117:12 118:16 119:21, 25 120:12, 20 121:1, 3, 9, 15, 20, 22 122:1 125:9 126:2, 5, 9, 13 128:23 129:12 131:2 134:7 139:24 141:11, 22 142:18, 21 144:21 145:6 146:16 147:10 148:14 155:16, 21 158:16 160:4, 8, 18 161:12, 25 162:11 168:13 172:18, 21 176:17, 20 177:8 178:11 179:2, 23	185:9, 13 186:10 187:5, 8, 21, 23 188:5, 19, 22 189:2, 18, 23 190:11, 12 191:8, 12 194:13, 21 195:4 198:4, 6, 8, 20, 24, 25 199:1, 13 201:13 203:12 205:9, 16 207:25 208:11, 22 209:1, 5, 12, 15 213:21 214:10, 16 215:5, 10, 18, 22 216:7 217:3, 11 218:6, 12, 13 220:17, 19 221:14 222:4 224:7 226:19 230:25 231:14, 21 234:7, 15, 18 235:4, 8, 17 236:4, 10 238:6, 12 241:16, 22 242:15 243:6, 8, 13, 14 244:7, 11, 18 247:24 249:6 250:13, 19 251:1, 8, 16 253:5 255:13 258:2, 5, 17 262:9, 11 263:19 264:12 265:3 266:22, 25 267:17 268:15, 18, 22 269:11, 12, 13 270:18 271:3, 8, 9, 23 276:20 278:20 281:18, 21 287:6 289:7, 17 291:4, 19 292:6, 19 295:11, 15 297:11, 13, 19 298:10 300:18 302:20 305:5, 9, 21 306:18 307:16 320:1 321:16, 19 323:3, 5 325:2, 17	329:1 334:9 335:24 340:17 341:3 343:22 348:4 356:17, 24, 25 357:6, 15 365:4 366:25 368:13, 19 370:25 372:10, 11 375:1, 22 377:18, 22 Central's 6:15, 23 10:3, 8, 13, 18 23:23 24:2, 9 27:9, 23 28:4 40:24 50:21 55:7, 14, 18 56:24 57:13 58:14 60:3 63:17 64:14, 19 68:4 71:18 75:17, 18 76:8 79:10 81:20, 21 83:6, 16 93:12, 19 110:20 116:1 117:11, 14 134:14, 15, 19 136:3, 18 138:25 140:3 142:15 153:16 155:18 162:20 178:11 179:12 181:17 203:16 205:19 208:20 220:9, 20 223:2, 3 225:1 226:4 234:24 237:4 242:2 243:4 245:18 256:1 262:10 279:12, 15 288:4 289:21 323:1 356:8 357:6 372:22 373:2, 13 Centre 2:10 Centura 261:18 century 47:17 certain 63:13 69:23, 25 115:12 144:22 233:23 244:18	certainly 16:5 31:22 32:2 50:16 51:5 69:5 70:9 77:18 142:25 145:16 149:9, 11 202:21 235:2 241:16, 22 certainty 282:1 certification 262:4 certified 22:10 CFO 323:22 cfs 228:19 229:12 Chair 1:18, 19 21:2 29:7 173:18, 21 175:18 218:23 255:15 259:1 268:10 376:14 Chairman 13:23 29:10 31:14 33:19 46:22 110:18 172:5 341:2 364:12 challenge 306:1 307:12 309:23 342:11 challenges 53:2 326:15 332:22 333:7 334:12, 16, 22 343:16 347:19 chance 30:7 70:14 172:8 173:6 175:20 change 66:2 91:2 190:1, 9, 17 283:19 284:5 289:2 311:10 349:24 350:5, 18, 19 351:12 353:24 367:11 changed 147:12 267:1 268:24 274:24 295:21 308:2 367:5 Changes 5:5 58:16, 18 190:13
---	---	--	---

<p>325:22 349:20 371:10 changing 58:23 131:6 146:22 307:13, 14 309:5, 6 chapter 53:21 60:24 354:23, 24 characterization 296:25 301:11 376:10 characterized 298:19 characterizing 62:7 charge 104:16 121:5 177:19 178:23 charged 106:14 charges 336:22 Chart 5:3 126:7 232:6 280:10 296:4 297:3, 11 301:3, 13 306:2, 22 341:11 CHARTER 1:4, 6 8:14 10:8, 18 23:23 24:3 25:25 27:9, 14, 23 28:15 31:24 47:9 49:16 50:3, 20 54:24 58:14, 15 59:11 70:9, 10 97:6 116:19, 21, 22 133:5 136:12, 13 154:17, 18, 21 155:6 176:16, 18 179:1 181:16 265:11 268:25 269:3 353:11, 12 356:25 357:7 366:18, 21 367:5, 13, 16, 21 368:1, 23 369:5, 15 371:23 373:17</p>	<p>chartered 62:10 64:24 100:18 140:23 141:2, 3, 4, 6, 11 268:22, 23, 25 269:4, 6, 9 270:11 354:24, 25 372:10 charters 26:13 chat 30:17 35:1 cheap 60:7, 21 106:8 294:13 cheaper 106:7 335:7 Check 123:13 checked 129:9 check-in 52:12 check-ins 322:11 choice 165:8, 12 261:11 choices 310:11 336:5 choose 106:11 chop 310:8 chose 180:6 182:4 chosen 134:15 Chuck 1:19 chunk 296:1 341:25 circumstance 208:13 citation 24:18 cite 22:7 cited 141:14 Citizens 8:22 9:18, 20, 22, 24 38:13 41:13 42:6 61:7 62:8 179:15, 16 265:23 City 300:8 373:15 375:10 377:9 claim 17:25 57:18, 22 clarification 40:2 78:7 136:9 229:17</p>	<p>clarify 16:21 34:22 36:18 37:8, 18 38:2 42:21 77:24 95:13 96:5, 15 112:9 125:4, 18 134:11, 13 145:20 148:6 167:24 168:1 185:22 190:24 213:16 221:7, 11, 16 227:12 230:22 255:9 257:17 299:20 308:18 321:14 328:9 clause 145:21 248:12 249:11 clean 48:18 clear 21:5 56:20 148:10 158:14 206:13 230:24 234:17 251:3 289:21 362:25 clear-eyed 51:24 clearly 19:12 69:15 178:21 305:3 328:21 clients 62:2, 7 64:1, 7 66:15 70:14, 18 75:13, 14 climatic 242:5 246:14 250:2 Clipper 4:15 close 45:5 50:22 93:11, 16 94:7 165:10 200:3 closed 159:4, 6, 11, 19, 24, 25 161:3 319:18 closer 338:4 closing 46:2 174:14 CNPPID 3:7 6:23 79:16 197:13 260:13</p>	<p>CNPPID/DAWSO N 3:12, 18 coal 267:5 coal-fired 265:9 Code 106:5, 10 cognitive 105:19 cognizant 59:13 358:19 coincidence 107:19 coincident 107:6 coincides 106:24 collaborate 291:24 collection 101:25 collective 15:11 39:5 collectively 9:20 41:2 college 119:1 261:21 colloquially 270:3 color 12:9 87:10 125:13 187:8, 11 205:7, 25 206:21 230:25 371:2 Colorado 275:22 286:18 315:15 colors 206:14 221:11, 16 224:25 Columbus 140:5 co-management 168:18 combination 60:25 85:3 Combined 3:2 5:9 36:5 51:9 53:19 58:5 60:18 64:15, 17 66:14 68:13 70:1 83:9 153:22 193:4 330:10 349:19 350:13 361:21 363:14 combining 293:14 come 13:18 21:1 40:12 53:9 68:16</p>
--	--	--	---

87:1, 2 94:12 109:3 111:15, 24 135:15, 17 137:24 140:19 162:14 163:13, 21 170:16 172:9 173:23 177:23 205:20 210:12 215:12 224:3 242:6 252:12 254:25 266:19 270:13 274:2 281:4 283:6 290:20 291:16 298:14 330:22 331:10 333:4 337:9 341:16 352:7 356:24 364:17 368:4, 7 378:18 comes 46:19 68:22 89:14, 20 110:21 111:10, 17, 22 113:7 150:20 151:1 204:25 207:3 223:3 245:7 250:5 336:3 356:10 comfort 172:2 comfortable 15:17 126:12 171:15, 16 coming 11:24 73:21 74:17 111:18 122:20 165:11 173:13 203:22 235:11 254:17 267:11 270:10 281:14 310:24 313:9, 24, 25 315:13, 15 324:15 340:12 comma 240:17, 18 commencing 61:1 comment 16:1 93:10 107:22 310:20	Comments 5:20, 22, 23 16:2, 5 54:1 99:22 179:9 Commission 6:15 12:17 59:3 76:18 115:16 214:21 Commissioner 11:12 12:4, 12, 16 Commission's 94:16 commitment 51:22 committed 83:17 committee 18:25 20:8, 14, 15, 20, 21 21:3 86:4 91:12 278:16, 18, 21 commodity 268:1 common 50:24 51:14 58:3 243:24 commonalities 52:6 communicated 326:4 communicating 272:2 communication 317:19 communications 323:16 communities 48:4 49:2 compact 276:6 279:20 280:2 company 77:12 84:20 170:25 263:9 292:16 300:13 competition 161:18, 19 complementary 69:9, 16 complete 19:24 completed 327:6 completely 281:15	compliance 276:8, 10 278:13 complicated 217:17 229:11 286:17 comply 63:13 244:19 278:12 component 304:7 components 152:11 320:13 composition 180:23 334:2 comprehensive 49:19, 25 329:5 comprehensively 50:13 compromise 59:14 comps 252:18 computer 30:11 concede 11:22 79:4 concedes 28:20 conceived 47:23 concept 48:19 51:5 55:24 85:3 285:14 319:7 concepts 268:14 274:22 concern 11:24 55:4 157:15, 21 342:8 361:17 concerned 69:18 75:14 142:25 172:1 267:10 concerning 25:20 234:8 concerns 12:3 55:3 56:11 75:24 92:1, 16, 19 342:23 conclusion 67:6 97:12, 17 130:12, 15, 18 154:25 155:11 189:8 190:5 330:20	367:8 concurrent 176:16 condition 19:25 20:5 215:21 241:11 324:16 conditioned 10:7 conditions 20:4 99:4 242:6 246:14 250:1, 2 345:13 354:10 conduct 10:10 327:4 conducted 54:2 conduit 341:22 Conference 4:3 21:15, 24 22:3, 11 25:11 30:20 33:3 confidential 160:20 confidentiality 43:3 configure 27:10 confirmation 19:2 confirmed 12:22 19:15 conflict 67:1 73:10 111:3, 5 112:15, 17 127:10, 20 150:13 170:8, 13, 19 177:12 conflicted 67:8 conflicts 68:22, 23 69:17, 19 72:22 128:2 confused 35:13 142:1 255:17 confusion 35:17 conglomeration 373:13 conjunctive 290:20 connected 315:18 connection 55:23 160:3 consent 213:24 248:5 249:5
---	--	--	--

<p>250:24 251:21 252:14 consented 249:1 251:6 consents 247:15 Consequently 58:21 conservation 263:21 314:18 conservative 303:21 338:12, 24 consider 93:19 126:5, 16 considerable 235:9 consideration 56:12 65:24 72:20, 21 99:5 126:18 considered 4:9 55:21 122:13, 16 357:11 considers 116:1 consist 232:15 326:16 329:22 369:1, 7 consistent 209:24 238:20 250:17 301:13 consistently 47:25 61:12 consisting 66:3 consists 61:7 245:18 consolidate 128:13 308:24 consolidated 10:12 37:2 49:23 73:11 132:22 153:13 361:21 363:14 consolidating 321:21 Consolidation 5:13 36:10, 15, 23 37:19 62:15</p>	<p>64:12 65:11 66:1, 10, 19, 23 68:11 69:14 70:4, 17 73:24 74:16 123:8, 19 124:7, 17, 19, 21 126:15, 25 128:22 130:22 132:5, 18 133:4, 25 137:24 140:13 154:5, 14 156:5 158:21, 24 171:3, 13 173:23 175:22 176:1, 15 179:1 187:15 188:15 193:6 318:2, 8, 21 325:21 342:12 343:20 344:11 345:4 349:17 350:14 352:5, 11, 17, 18 353:7, 8, 10, 14, 25 360:15 361:5 363:11 373:11 consortium 277:9 constant 297:2 323:15 constituents 53:1, 24 90:6, 7 91:8 122:4, 5 129:18, 21 264:8 constituted 37:9 133:7 135:15 311:19 373:25 constitution 56:20 constructed 62:24 63:2 134:24 construction 237:13 266:13 consultant 40:13 86:10, 11, 21 155:17 157:19 320:13 322:4 325:2, 8, 10, 18 326:13 consultants 52:21</p>	<p>86:15 129:4 consulting 77:9 consumption 85:13 92:23, 24 contain 26:14 contained 70:3 231:5 contains 27:14 269:3 contemplated 56:7 274:25 356:20 contention 65:14 contents 25:14 26:21 31:10 contested 45:23 context 147:6 223:22 continually 276:23 continue 36:24 44:3 51:10 52:15 60:16 75:6 90:18 110:5 131:19 156:12 173:15 273:23 281:7 282:3 291:2, 5 294:24 297:9 311:9, 10, 25 342:1 360:4 continues 56:5 204:19 205:3, 4 240:1 continuing 281:19 307:13 308:25 contoured 219:19 220:2 contract 104:20 105:10 161:2 171:8, 10 207:25 212:12, 13 215:3 235:8 242:21 253:3 256:9, 12, 14 297:23 298:6, 8, 16 299:3, 5, 11, 15, 17 300:24 304:21 309:9</p>	<p>310:3 311:7 313:12 329:25 330:2, 7 336:25 338:3 344:4, 7 contracts 73:20, 22, 25 85:6 92:22 104:4, 7, 14 111:9 117:12 121:25 137:9 152:22 212:19 222:4 258:15 272:19 285:24 307:24, 25 310:20, 24 311:3, 4 323:12 349:6 353:17 contractual 212:9 310:13 317:16 326:21 contractually 339:17 contrary 23:24 contributing 71:3, 6, 7, 10, 12 72:2 control 55:5 56:18 57:19, 21 59:1 64:7, 8 65:15 68:20 85:12 90:25 122:11 140:1, 2, 13, 17 141:7, 17 186:11 231:22 controlled 66:17 93:13, 20, 21 186:17 controlling 27:19 148:15 controls 64:9 263:10 281:2 convene 159:4 354:12 convened 8:17 159:6 convenience 102:3 conversation 86:2 164:3 288:9 316:24 317:3</p>
---	--	--	--

318:24 323:4 324:8 conversations 50:10 53:13 54:1 86:1, 8 88:21 91:10, 11 122:5 156:13 318:14, 18 322:25 323:15 convince 70:14 cook 107:8 336:18, 22 cooking 336:22 cooperate 292:5 cooperating 293:10 coordinate 292:5 Coordination 333:22 copies 366:2 copy 22:10 30:8 94:25 258:3 318:3 361:8 366:1, 5 370:17 core 21:20 22:12 23:8, 22 24:25 25:9 68:1 97:5 116:16 corn 49:10 80:10 254:18 335:23 corner 204:12 Corp 114:6 corporation 9:23 Corps 113:20 correct 13:3, 5 17:3 18:22 19:13 30:20 31:5, 19 41:11, 15, 22 43:10 77:13 81:6 85:18 89:15, 21 98:8 99:25 100:5, 7 101:3 102:7 105:16 108:10 113:1, 4 114:14 115:8, 9, 13, 14 118:8 120:6, 10 121:13 124:22	125:10, 15, 20, 24 132:15, 19 133:10 134:8 136:11, 13 142:5 143:3, 25 144:16, 18, 19, 24 145:18 149:10 150:24 151:4, 19 152:4, 13, 16 155:25 158:10 163:3, 4, 6, 7, 17 180:3, 12, 19 182:2 183:10 188:11, 21 189:5 191:10 193:12, 22 194:14, 17, 22 195:6 196:3 197:8, 10 198:19 199:12, 15 205:13 207:17 209:2 217:24 218:7 222:7 224:14, 20 226:5, 6 230:2, 16 231:2, 7, 12, 22 232:14 233:8 234:16 235:22 236:6 240:3 241:9, 18 242:20, 25 243:7 244:9, 10, 13 248:23, 24 249:3, 9 251:18 254:8 258:2, 8, 17, 18 266:5 269:10, 21, 25 270:12, 21 271:1 276:11, 18 277:15 278:2 289:11, 12, 13 292:3, 7 297:18, 20 298:21 300:13, 22 302:19 307:20 311:7 319:15 320:24 321:5, 18 322:21 328:5 336:19 337:14 339:23 340:18 346:13, 16 347:1, 6 348:9 350:15,	20, 23 351:1, 5, 9, 15, 23 361:23 363:1, 19, 24 365:1, 2, 19 368:20, 21 371:24 372:1, 12, 18 374:23 375:3, 6, 11, 15 377:10, 20, 23 correctly 16:16 43:20 100:12 194:9 213:15 215:10 313:8 349:14 correlate 107:2 correlation 106:21 cost 48:7 63:4 74:13 138:1 176:5 235:13 294:17, 18 295:3, 4 298:19 300:24 307:23 310:15 313:11 341:24 344:4 354:15 355:7, 12, 15 costs 73:2 74:20 135:1 142:4 201:20 235:16 280:8 294:5, 9 295:7 298:17 could 17:25 18:4, 14 19:8, 25 20:6, 11, 22 32:1 38:1 41:1 50:12 51:10, 12 53:9, 18 70:9 78:6 79:20 88:25 89:2, 7 117:8, 9, 24 149:3, 6, 11 150:9 152:5 154:21 155:5 157:23 158:8 165:9 169:18 170:19 172:5 173:1 178:2 185:9, 10, 16 197:20 202:19, 23	203:9 208:15 210:20 213:1 216:11 218:1 222:13, 16 224:21 232:23 235:5, 12 237:15, 18 239:1 243:1 253:3, 8, 10, 15 255:13 256:2, 5, 13 260:17 263:22 265:2, 13, 15, 18 268:1 273:17 290:16 295:14, 21 296:6 305:11 312:9 317:22 319:17 320:16 322:15 323:13 325:5 329:7 330:5, 10, 22 336:16, 17 339:24 343:10 345:24 357:18 364:21 365:9 couldn't 13:10 164:15 255:17 328:15 Counsel 4:10 25:18 32:20 33:9 36:1 38:4 42:19 46:23 61:10, 14 62:6, 19 64:6 69:21 72:16 78:8 93:10 102:19, 21 123:18 125:6 134:11 155:4, 12 189:15 195:22 237:18 257:25 304:17 360:9 361:1 363:25 370:9 counsels 44:24 46:3 179:9 counsel's 98:25 99:21 221:14 counted 164:20 counterintuitive 306:25 307:11
--	--	--	--

<p>counties 27:25 49:8 50:19 54:21 58:11, 21 62:9 68:2 96:22 97:5, 6 99:23 100:18 101:1 136:12, 13 137:6, 9, 15, 17, 20, 21 138:6, 14, 17 140:19 141:6 180:11, 18, 22 181:2, 25 182:20 183:8 194:25 207:11 268:20 269:2, 4, 9 270:2, 11, 15, 22 281:23 351:7 371:4 372:23, 25 country 87:1 county 27:11 29:1 58:1 68:2, 7, 17 83:3, 4 90:9 94:2 96:23, 24 136:4, 7, 10, 20 140:20, 21 141:6 149:8 162:23, 25 163:1, 6 164:7, 19 180:1, 4, 5, 14, 15, 16, 17 181:3, 4, 5, 6, 7 182:1, 6, 8, 10, 15, 17, 19 193:21, 24 194:3, 10, 16, 20 195:3, 4, 9, 11, 13 205:22, 23 207:13 226:17 229:19 230:13, 14 237:8, 11 261:13, 15 269:18, 19, 23 270:4, 6, 24 284:11 287:25 351:3, 5, 12, 20, 21 369:24 371:11 372:24 375:1, 2, 9, 13, 15, 19 376:20 377:1, 2, 3 couple 33:13 61:9 76:14</p>	<p>140:12 158:10 168:6 175:9 184:12 192:8 195:19 198:21 course 16:10 50:4 308:2 322:17 369:11 court 9:1 14:14 17:22 18:4, 10, 14 29:2, 3 35:1, 5, 6 44:24 300:13 362:15 courtroom 35:14 cover 14:25 306:13 332:12 361:19 covered 14:24 120:3, 14 Cozad 377:6 create 47:11 74:4 152:8 157:21 294:8 created 48:17 55:19 88:11 133:20 209:6 223:6 310:3 337:25 creates 212:7, 10 235:3 301:22 335:22 350:1 creating 141:24 264:25 creation 56:9 creditor 345:19 creditors 24:4 345:24 critical 53:11 crop 147:8 200:19 crops 89:12 147:23 198:15 200:16 247:21 254:3, 7 267:16 Cross 3:9 131:25 358:9, 16, 18</p>	<p>CROSS- EXAMINATION 132:2 184:21 230:19 cubic 229:13 233:12 curious 90:10 current 59:9 65:16 68:8 80:21 81:7, 8, 10 132:6 187:4, 6, 21, 22, 25 188:1 194:12, 25 195:4 248:22 251:16 258:1, 3 268:23 304:21 310:20 370:25 372:22 373:14 375:22 currently 26:14 27:23 28:5, 9 61:16 62:9, 23 63:12 65:22 68:7, 9 74:7 80:8 104:25 120:2 134:14 143:13 162:4 178:16 180:24 183:25 194:12 269:12 274:9 276:22 299:5 375:1, 8, 21 377:18 curtail 303:16 customer 59:4 65:25 67:12 97:1 104:11 116:3 120:11 194:2 208:11 210:1 231:18, 19 253:2, 13 255:21, 25 256:8 257:11 258:6 282:5 288:14 customers 24:9 28:5, 6 48:8 50:15, 18 51:18 53:1 55:17 56:24</p>	<p>62:7 63:18, 21 65:23 66:25 67:20 74:24 97:8 101:4, 6, 11 105:14 111:17 116:10 119:21, 25 121:4, 9, 21, 23 135:18 137:4, 11, 13, 19 147:14 179:16 195:4 198:12, 18 205:10 208:13, 22, 25 209:2, 6, 9 210:22 211:20 216:8 220:20 230:1, 8 231:1, 4, 13 233:2 234:18 245:9 264:8 268:3 271:8 287:18 288:8 290:9 292:1, 6, 22 293:20, 21 294:14, 22 295:6, 17, 22, 23 302:3 317:12 326:2 346:10, 17 351:18 356:23 357:9 customer's 242:22 255:12 cut 305:9 cutouts 373:10 CV 4:6 cycle 339:5, 10 cycles 369:11, 13 < D > Dahlgren 5:20 7:5 daily 49:6 51:15 177:24 178:4 337:8 339:5, 20 Daley 94:19 Dam 62:22 81:25 111:23 201:11 204:1, 24 208:21 215:11, 12, 17, 19,</p>
---	---	---	---

<p>24 231:22 294:12 315:24 dams 216:7 313:17 314:9 dance 302:25 dark 214:18 216:19 284:20 348:22 darker 205:7, 25 206:10, 16 207:2 291:25 darkest 206:21 darn 152:19 Darr 80:15 data 15:15 308:22 date 168:18 176:16 353:7, 14 dated 25:14 dates 159:8 Dave 34:3 47:2 79:12, 13 dave@nebennergyla w.com 2:6 David 2:3 79:15, 22 Daw 195:11 DAWSON 1:7 2:1 5:9 9:16, 17 10:4, 6, 15 12:8 15:10 34:8 36:21 40:13 41:4, 8 47:4, 8, 10 49:17 50:18 51:14 52:9 54:3 57:16, 25 59:20 60:9, 23 66:13 67:19, 21 71:10, 13, 15 74:7, 23 76:4 83:3, 4 84:24 88:4, 12 90:9 96:24 104:13 126:1, 2, 5, 9, 25 128:14, 15, 23 132:7 134:8 135:24 136:6, 21, 24 137:4, 9, 14, 21</p>	<p>138:7 140:20 141:2, 22 155:24 158:3, 15 168:10 176:24 177:9 178:9 179:3 180:4, 5, 17 181:4 185:10, 13 187:5, 11, 25 188:2, 6 194:13, 16, 21 195:1, 8, 11, 12 207:12 230:14 270:14 281:22 282:5 316:25 317:14 321:16, 20 323:1, 2 324:8 326:5 329:25 334:8 340:11 342:25 351:20 356:15, 22 357:9 365:4 371:4 377:2, 3 Dawson's 5:6 50:20 71:10, 12 74:3, 23 75:20 153:17 178:10 220:4, 23 335:21 336:25 337:3 373:13, 17 DAY 1:7 11:20 44:14 66:18, 22 67:8 76:3 91:20 106:1 142:23 177:7, 9 179:2 181:17 187:18, 19 188:18 189:3, 20 285:6 291:7 294:4 304:24, 25 309:8 315:11 339:18 356:11 days 64:14 65:2 67:4 149:7 285:8 335:5 day's 339:13 day-to-day 178:23 dead 129:3</p>	<p>deal 73:2 185:8 218:23 292:24 dealing 26:9 254:16 dealt 10:23 debate 53:9 Debt 5:6 71:9, 11 343:2, 4 debtor 345:19 debtors 345:24 decades 47:23 December 311:4 315:2, 3 320:2 decertified 348:6 decide 20:23 29:3 46:4 64:11 111:4 168:18 169:14 258:13 321:19 335:10 347:15 decided 86:9 322:3 decides 20:25 215:18 241:1 deciding 23:5 233:5 decipher 112:20 decision 12:10 13:19 14:22 15:20 17:6, 25 18:4, 20 19:4, 6 20:9 24:22 30:1 65:24 67:9 110:25 112:13 160:24 161:1, 22 169:17 170:5 210:24, 25 240:6 319:12, 16 322:11 339:18 346:7 decisionmaking 15:3 decisions 68:25 69:1 118:25 178:6 287:4 312:15 322:20</p>	<p>declined 160:18 decrease 295:4, 5 dedicated 341:6 deems 251:24 deep 51:22 279:8 329:23 365:14 default 113:4 182:14 defaulted 38:17 defer 219:13 221:15 deficiency 104:21 deficit 306:4 341:14 define 89:2 90:2 134:17 defined 178:21 366:17 definitely 178:2 Degan 2:15 3:7 11:5, 9 15:18 17:12 26:22 32:20, 25 34:15 36:18 37:7 38:3, 20 39:9, 12, 17 40:1 41:14, 19, 23 42:7, 24 43:23 44:5, 8 61:4, 5 76:16 77:1, 5, 8, 13, 15, 22 78:16, 24 79:6 96:3 97:11 103:4 123:18, 23 131:25 132:1, 3 148:11, 12, 13 154:9 155:1, 14 166:1 184:21 189:6, 11 190:3 192:4 195:19 196:1, 4, 7 226:10, 11, 14 230:18, 20 237:18, 22, 24 252:24 256:21 259:20 358:15, 21 361:1, 7, 11, 16 362:2, 24</p>
---	--	---	--

<p>364:3 367:7, 17, 22 370:9 degree 261:24 262:1, 5 degrees 261:25 266:10 delayed 353:13 delegate 16:19 deliberating 12:1 deliberations 17:19 164:20 deliver 54:8 60:18 99:10 111:6 143:14, 23 145:9, 17, 23 146:19, 25 176:6 208:1 209:8 231:16 239:8 240:12, 16 241:2 242:3, 11 244:11, 12 304:11 326:1, 8 354:15 355:2 delivered 47:25 61:12 75:4 101:24 102:21 105:8 146:24 207:16 242:24 deliveries 131:14 147:10 272:11 339:7 delivering 61:18 63:4 135:18 304:9 delivers 105:12, 13 242:19 delivery 55:11 87:22 105:2 127:11, 21 128:4 155:25 176:20 189:2, 19 212:12 239:3 240:19 263:18 297:1 304:7 320:16 demand 107:9, 14, 20 233:14 336:22</p>	<p>demands 127:10 128:3 demonstrate 305:3 demonstrated 51:21 demonstration 57:20 206:8 denote 354:22 356:4 deny 70:20 76:12 denying 24:23 Department 217:20 250:9 252:6 depending 13:20 18:15 19:3, 9 44:15, 21, 23 114:12 206:7 depicted 272:8 depicting 370:23, 24 depicts 272:4 301:3 deplete 312:9 depleting 279:25 281:1 depletions 279:6 280:23 deposition 159:10 deprive 164:7, 19 Dep-Robert 7:2 Dep-Roger 7:2 depth 215:19 derived 48:9 73:15 297:16 derives 207:23 describe 203:1 213:15 219:22 271:25 306:17 described 60:20 179:11 219:21 268:6 describing 193:6 description 201:4, 23 213:6</p>	<p>designed 54:5 354:1 desire 52:6 desired 47:17 despite 156:5 157:16 destination 213:19 detail 273:5 detailed 25:19 326:20 details 160:9 304:14 329:24 330:6, 13 determination 239:20 250:10 254:1, 5 determine 52:15 57:5 64:21 241:9 242:15 determined 53:3 247:21 365:19 determines 210:18 215:23 239:15 241:10 242:12 249:13 determining 8:18 develop 130:2 132:25 263:22 264:5 322:5 365:12 developed 133:13 273:21 277:2, 22 322:7 364:21 developing 364:15 development 54:13 82:3 131:11 159:18 176:13 185:18 264:19 279:15 284:8 355:24 device 217:7 Devin 84:7, 12 86:3 168:7, 12 259:11 260:12, 19 D-E-V-I-N 260:20</p>	<p>Devin's 91:19, 22 diagram 215:1 dibs 144:25 dichotomy 334:7 Dicke 3:10 196:21, 23 197:4, 12 198:3, 5 200:6 201:22 202:9 207:8 208:25 221:19 224:21 237:25 257:24 259:5 D-I-C-K-E 197:5, 7 did 11:18 12:7, 25 13:8 14:25 15:7, 9, 10 24:18 26:4, 7 29:14 48:16 77:4 85:2 86:20 88:21 90:5, 9, 21, 23, 25 91:7, 9 99:20 103:2 116:10 129:6 130:13, 14, 15, 17, 18, 20, 23, 25 151:10 155:3 157:1, 19, 25 158:7, 18 159:4 163:11, 18 164:7, 19 165:15 195:19 199:1, 17 215:9 257:1 261:5 262:23 263:9 267:19 269:11 275:4 290:13 305:9 307:25 317:3 320:9 321:16, 19 323:3 325:1, 7, 10 326:16 327:4, 5 329:21 332:14 334:14, 17, 21 340:20 347:3 350:25 364:14 365:11 366:2 372:20</p>
---	--	--	--

<p>didn't 12:19 83:1 130:10 155:12, 16 157:14, 19, 20 163:22 213:15 254:22 295:13, 24 309:7 326:19 352:14 378:9 difference 49:10 96:6, 15 142:7 179:10, 20, 21 207:19 213:10 334:5 342:9 different 67:18 70:2 91:17 123:17 164:2 232:24 238:11, 12, 13 248:9 255:10 258:20 279:3, 21 295:18, 19 297:23 304:11 309:1 339:15 342:13 345:19 369:13 differential 310:23 differentiate 304:22, 24 309:7 differentiation 310:22 difficult 67:15 difficulties 72:23 difficulty 75:16 dig 327:3 digging 329:24 330:6, 9 digressed 280:3 diligence 323:3 diligent 146:2 diluted 376:3 dilution 376:15 dip 302:1, 13 312:12 dips 311:21 Direct 3:9 62:14 80:3, 24 101:6 121:4 178:24 198:1 205:8 207:19, 24 208:21</p>	<p>228:13 229:18, 22 231:14 261:1 318:4 351:21 365:23 366:13 directed 66:17 93:13 direction 126:20 127:7 156:11 168:19 170:24 directly 57:22 90:7 116:23 201:12 205:9 247:2 264:10 279:4 374:21 Director 5:13 15:9 16:1 19:24 25:18 26:12 58:17 59:4 80:23, 24 81:2 82:6 83:4 96:24 101:24 112:8 126:13 127:23, 25 128:3 129:12, 16, 17, 18 160:4 162:24 163:9, 19, 21 164:8 167:9 180:2 195:8 202:23 270:25 351:11, 17 375:2 directors 28:18 36:4 44:11 51:3 57:4, 7, 13 58:7, 8, 24 62:13 66:3, 14, 20 68:13 81:17 82:22 83:8 86:23 88:5, 12 94:2 96:23 99:13 100:2, 25 115:11 120:1 134:7, 8 159:22 163:6 177:8, 9 179:3 180:21, 25 181:24 182:17, 20 183:7 187:4, 7, 9, 12, 16, 20, 21, 22, 24, 25 188:1, 4, 5, 6</p>	<p>191:8, 12 192:17 193:11 194:25 269:8, 15, 24 270:18 328:4 331:14 351:3, 20 353:3 368:19, 23 369:4 disagree 62:6, 19 discernment 286:2 disclose 160:9 161:4 304:14 disclosed 43:2 disclosing 159:23 Disclosure 6:15 59:3 94:16 115:16 discretion 57:8, 10 233:17 241:8 242:15 251:23 discuss 53:8 94:4 161:3 185:7 317:8 discussed 53:18 115:6 157:11 196:25 317:2 319:22 343:14 349:17 371:3 discusses 354:13 368:18 discussing 257:25 317:17 discussion 32:9 57:14 59:13 73:3 88:17 97:9 128:7 153:11, 16 164:9 165:18 247:11 283:22 317:13 322:15 362:12 discussions 52:16 117:13, 18, 22 118:16, 23 128:13 183:17 dispatchable 337:7 dispatched 310:7 displeased 312:22</p>	<p>dispute 65:16 157:17 dissension 190:12 dissenting 75:18, 20 dissidence 105:19 DISSOLUTION 1:9 10:7, 9, 11 353:12 356:22 dissolve 34:10 distinct 11:22 distinction 35:12 101:13 distinguishable 118:19 distribute 52:23 54:9 176:7 354:16 355:4 356:9 distributed 159:2 distribution 49:22 52:20 71:12 168:21 169:19 170:2 176:9, 22, 24 220:5, 24 293:21 320:15 323:9 324:10 325:6 340:10 342:24 345:6 354:19 355:18 356:9 357:1 364:23 distributor 185:10 DISTRICT 2:1, 2, 8 9:14, 16 10:5, 11 23:25 24:5, 20 27:12 28:18 29:1 34:8, 9, 13 36:7 37:3, 4 47:7, 8, 12 49:21, 23 52:22 53:14, 15, 16, 17, 19 54:5, 7, 14 55:12 57:6 58:6 59:12, 18, 21 60:18 61:1, 22 62:12 70:1 72:24</p>
---	--	---	---

81:24 82:16 86:14, 25 92:18 96:18 97:5 99:3 103:24 104:3 116:17 117:21 123:1 127:19, 24 129:20 130:7, 9, 10 140:10, 19 145:13 157:10 164:12 167:3, 4, 16, 19 168:15 179:13 185:13 186:15, 17 187:17 188:19 190:18 193:25 194:1 195:12 199:3 205:24 211:19 212:2 213:12 219:1 233:11 239:8, 10, 14, 20 240:2, 7, 11 241:1 242:12 247:22 248:17, 19, 21 249:13, 24 251:21, 23 252:8, 21 253:3, 25 256:11 257:7 258:11 262:14, 15, 24 263:10, 14 264:4, 7, 15, 21, 25 265:12 266:15 267:22 272:5 291:25 292:11 298:7 305:24 317:11 331:14 351:18 353:2 355:2 356:6 357:4, 10 365:6 366:20 367:3, 6, 11 368:25 371:9, 18 372:4 373:4 375:21, 22 districts 25:23, 24 26:13 43:4 50:12, 17, 22 51:4, 7, 25 52:1, 20 53:3, 23	59:24 97:3 153:5, 9 156:3, 24 166:21, 24 167:17 185:17 187:1 194:13 206:2 208:3, 14 214:3, 7, 16, 17 216:4 217:13 231:11 232:11 269:16 284:7 290:6 293:9 318:13 320:17 327:4 331:12 366:23 374:22 DISTRICT'S 1:5, 8 8:14 50:9 52:14 183:23 241:8 districtwide 211:13, 18 ditch 254:24 dive 329:23 diversion 225:7, 9 265:19 315:8, 24 diverted 213:18 225:16 diverting 265:20 dividing 57:25 division 168:16 170:18 263:1, 2, 3, 4, 5 343:24 344:2, 3, 5, 9 364:20 divisions 170:20 238:13 346:25 347:1 DNR 278:16 323:16 do 11:3, 8 13:15 15:16 16:25 17:22 19:10 20:6 22:9, 24 25:25 26:14, 20 27:16 30:13, 15, 17 32:21 33:10, 19 42:19, 20 43:6 44:11, 18 45:8	48:12 51:12 55:1 56:6, 19 57:9, 24 58:2 60:14 61:9 70:7, 17, 23 83:2, 19, 22, 24 86:7 88:2, 4, 8, 11 92:13, 16 93:24 94:6, 7, 25 95:1 98:9 99:4, 11, 13 102:12 103:4, 15 104:2, 5, 7, 19 105:19 106:1 110:19, 20 114:6 116:4 117:5 119:24 120:4, 21 122:21 125:25 127:11, 14, 19 128:1, 11, 19, 21 129:1, 12, 19 131:1, 3, 4, 8 132:7, 20 135:19 137:8 138:1 140:5, 6, 7 141:9 145:6 150:10 154:11 156:7, 20, 21 158:8, 12 161:15, 20, 23 162:6 164:18, 22 165:3 167:6, 22 171:21, 23 172:24 173:21 177:19 179:24 182:3 183:11, 17 184:22, 24 185:3, 14, 22 186:2, 4 189:22, 25 190:8, 19 192:9, 10, 17, 21, 22 194:3 195:24 198:11 202:9, 11, 16, 18 203:9 209:11, 12, 25 210:3, 4, 5, 7 214:13 217:8 219:2 221:1, 10, 23 222:13 223:24 227:15 233:24	234:11, 13, 14 235:4 236:22 238:3, 4, 7 239:18 240:23 241:2, 12, 14 248:2 249:13 253:10 255:22 256:19 257:8, 10 258:19 259:22 261:25 262:2, 3 263:22 264:10, 11 268:12 270:13 271:2, 7 273:2, 12 274:25 278:9, 11 282:6, 10 286:21 287:6, 9 288:13 290:15 295:1, 4 301:4, 15, 18 305:19 306:20 307:6, 21, 22 308:2, 24 309:24 310:12 312:1, 7, 16, 20, 25 314:13 317:6 319:20 320:25 321:19 322:18 323:20 325:4, 14, 22 326:2, 7, 8, 23 327:12, 16, 23 332:2 333:17, 20 334:14 336:8, 9 339:1, 2 343:8 349:21, 22 352:17 354:11, 24, 25 355:1 356:7 358:4, 8, 9 361:24 362:14 363:23 365:3 366:21 367:10 372:21 373:24 374:8 375:21 378:10 document 39:16 43:4 116:16 124:9 125:7, 23 126:1 132:21 159:16 171:5, 17, 20 172:2, 6, 11, 13,
--	---	---	---

<p>15, 25 173:6 174:19 175:19, 22 209:4 250:22 318:8 352:22, 24 354:6 366:9, 16, 18, 22 documents 11:4 176:15 178:25 does 18:20 20:21 24:19 31:14 40:12 45:22 64:18 71:25 72:1 91:23 96:11 99:2 104:3, 10, 22 110:24 111:14, 15 113:11 120:17 135:3 142:7 147:6 151:6 152:8 172:18 174:4 179:24 180:22 182:16 184:25 186:2 194:2 201:14, 15 208:11 210:14, 16, 17, 25 211:10 213:22 217:7 218:25 221:23 224:24, 25 225:3, 9, 20 226:2 229:3, 7 238:11 269:11, 12, 13, 15, 16 271:24 272:21 281:10, 12, 21 282:5 287:9, 11, 14, 15 298:9 304:6, 21 305:23 307:21 309:10 310:12 316:19 317:24 319:2 320:18, 20 325:17 332:25 335:1 349:16 354:20, 22 356:2 363:10, 13, 16 367:15 368:10 372:19, 20</p>	<p>doesn't 75:2 76:4 112:13 113:20 116:23 125:17 220:17 224:4 229:7 235:18 250:4, 7 252:4, 5 255:21 278:5 297:24 304:23 318:25 319:3 doing 52:5 53:5 61:18 75:6 83:12 129:2 192:4 233:6 243:15 255:24 271:4 292:9 294:19 295:15 312:18 317:11 319:2 325:15 327:2 375:18 dollar 235:15 dollars 71:5 Don 42:18 done 21:23 30:22 48:7 53:23 61:13 71:22, 24 72:17 82:9, 12 85:25 90:11 115:1 128:18 142:15 151:24 157:11 167:11 170:18 172:16 225:12 256:1 262:4 278:6 279:12 308:1 328:6 329:1 330:15 332:12 342:1 353:17, 18, 21 don't 16:24 17:5 18:12 19:19 20:3, 10 21:7 22:1 31:21 32:7 44:7 45:13 49:9 58:25 59:8 65:23 70:16 76:16 77:20 78:1, 16 84:11 95:13 98:19, 22 100:3</p>	<p>103:6 108:15 114:2, 3, 5 118:5 120:8 135:21 136:22 138:8, 21 139:1, 17, 25 140:7, 15 141:1 142:17 144:7 145:23 146:7, 25 149:24 150:7, 18 152:6 155:7, 13 157:5 159:8 161:8, 24 162:17 164:22 165:2 168:3, 4 170:22 171:18, 24 172:17 173:5 178:7 184:1, 3 190:20 192:12, 14, 20 193:14 194:4, 5, 6 196:6 200:17 210:8 215:6 219:21, 22 223:12 228:15 229:21 230:11 231:13 232:2 233:17 234:4 235:15 237:3 243:3 244:1 248:11, 18 249:24 254:11 255:25 256:2 258:19 259:4 285:17, 19 293:11 302:6, 7 303:24 307:5 308:10 311:15 321:12 323:8 324:9 328:19 345:21 347:19 356:10 358:17, 18 door 91:18, 21 329:11 378:21 doors 84:8, 15, 16 288:12 378:17 dots 181:9 doubt 338:25</p>	<p>down 9:1 20:2 24:18 30:12 105:7 124:23 126:7, 8 133:18 147:13 157:24 196:17 204:19, 25 205:3, 20 216:15 226:17 228:2 230:25 235:11, 13 243:2 245:25 246:3, 23 254:17 263:8 274:3 284:2 291:4 292:21 311:21 319:24 338:18 340:20 350:1 352:23 354:11 372:15 374:20 downstream 110:21, 22 111:16, 17 216:6 278:21 313:22, 23 draft 126:20 drainage 267:24 draw 35:12 97:19 drawn 201:11 280:12 draws 106:17 driest 291:1 drill 279:10 drink 135:13 Drive 79:23 Drive-2/8/23 7:6 drives 302:17 driving 313:20 drop 302:8 311:25 314:24 drought 105:6 151:14 210:11 215:21 241:11 242:6 245:7, 11 290:7, 8 291:8 341:19 dry 146:10, 18 147:17 151:17 244:5 245:3</p>
--	---	--	--

<p>302:10, 11 306:24 307:3, 11 314:17 dryland 261:16 due 10:14 57:19 73:21 146:2 323:3 dues-paying 17:1 dug 330:13 duly 79:17 197:14 260:14 duplicative 38:12 during 15:3 16:8 30:3 60:13 69:10 81:17 82:6 88:14 90:7 106:9 142:25 146:18 159:23 164:20 239:11, 16 240:11 242:13 243:9 307:1, 2 329:2, 21 330:15 332:8 duties 14:17 129:22 160:4 198:11 199:4 263:16, 17, 25 duty 104:3, 20 129:13, 14, 15 139:2, 4 163:25</p> <p>< E > E65 238:16 E67 238:17 earlier 11:16 61:5 120:7 122:3 127:9 130:3 145:24 184:20 191:11 196:25 200:7 210:13 222:11 226:16 248:8 265:6 279:2 283:25 285:22 298:1 303:9 339:6 356:1 371:13 early 56:1 277:1</p>	<p>easel 98:5 186:21 202:14 221:20 370:4 easily 103:8 265:19 339:2 east 206:16 216:21 225:19 228:11 281:23 easy 52:5 119:12 345:20 eating 267:10 ebbs 152:24 344:25 345:1 economic 49:2 51:16 54:13 82:3 131:11 159:17 160:5 176:13 185:18 264:19 313:20 314:7 355:24 edge 272:15 edification 77:16 edits 209:19 educate 103:21 effect 24:19 36:9 186:15 279:11 305:19 353:16 effective 369:1 effectively 39:2 58:22 61:19 75:3 effects 55:2 118:19 efficiency 333:18 efficient 247:6 efficiently 199:8 effort 168:24 241:5, 6 efforts 15:9 240:16 eight 199:22, 25 378:18 either 13:11 19:8 20:2 24:8 29:23 65:7 67:9 73:9 90:6 167:4</p>	<p>208:12 249:7 339:16 341:17 elect 62:13 163:24 180:2 192:16 269:15, 16 elected 47:14 58:8 81:4, 14 82:25 134:21 161:14 162:8 180:9 183:7 268:20 269:8, 17, 24 270:19, 20 375:8 electing 57:7 194:25 election 163:16 165:11 180:7, 22 191:19, 21 369:11 elections 179:25 270:21 electorate 376:12 Electric 12:6 15:13 16:7 24:10 65:22 66:24 67:11, 20 73:3 156:5 157:2 167:4 194:2 293:12, 14 295:6 346:1, 2, 5, 10, 17 355:18 electrical 54:9 103:23 107:6, 19 108:17 176:7, 8, 23, 25 220:5 261:24 262:1, 5, 25 343:6 354:16, 18 356:9 357:1 electricity 24:16 60:8, 12, 21 65:25 67:21, 22 93:3 103:24 106:6, 7, 8 107:1 108:6 137:10, 12 138:1 152:16 185:9 285:8 292:12, 17</p>	<p>295:7 Electronic 102:23 Electronically 102:24 electrons 335:6 elects 57:3, 4 elements 37:11 50:16 elevation 284:5, 12 eligible 100:10 Ellen 2:3 34:4 47:2 ellen@nebenergyla w.com 2:6 Elwood 4:15 148:21 341:22 Email 6:4, 5 30:9 embarrass 119:12 embedded 59:10 emblems 203:15 employed 262:13, 15 employee 73:1 153:12 198:6 262:11 employees 153:13 employer 29:19 103:22 enable 49:22 enact 37:10 enacted 26:3 endangered 114:10 276:4 endeavor 185:15 endeavors 83:13 241:23 ended 53:13 energy 66:6 74:11 76:17 106:17 143:1 214:20 236:1 267:5 295:12 296:7 299:21 300:6 301:10, 21, 23 307:14 333:22</p>
--	--	---	--

<p>345:6 355:3 364:19, 23 engage 90:5 engaged 52:20 53:23 80:8 323:19, 23 326:9 engagement 91:7 122:4 326:11 329:2 330:15 engages 24:10 48:22 engineer 262:25 266:8, 12 Engineering 40:13 77:7, 9 157:3 261:24 262:1, 5 263:11 266:10 engineers 86:22, 23 113:20 303:4 339:1 enhance 50:15 54:11 176:11 355:22 enhancement 234:23 enhancements 264:18 enjoying 345:13 ensure 27:12 56:5 275:12 290:23 303:19 ensures 49:3 ensuring 52:13 entail 198:11 entailed 157:13 entails 148:14 272:24 enter 320:23 entered 132:17 144:21 274:5 314:17 entering 306:24 entire 85:22 123:22 158:15 278:19 282:2</p>	<p>315:10, 11 322:8 338:11 entirely 67:18 entirety 43:5 49:24 96:4 134:14 entities 47:14 52:3 76:23 104:5 131:13 144:13 146:14 178:16 303:1, 6 308:24 345:20 346:21 354:23, 25 entitled 117:5 210:1 Entity 5:9 48:6 64:15, 18 66:14 73:11 114:9 132:22 138:18 139:20 140:4, 9 141:24 153:22 186:17 215:22 265:8 267:3 286:14 292:11 298:5 310:2 312:19 345:25 348:4 356:16 357:1 entry 319:25 environment 54:12 176:11 264:19 307:14 355:22 environmental 49:3 56:11 63:10 82:2 135:8 144:6 244:23 284:17 envisioned 54:14 equal 27:15 140:16 169:6 177:18 equity 313:15 era 295:19 Erik 332:13 erratic 297:8</p>	<p>error 17:20 18:5, 13 especially 373:19 essentially 11:25 40:22 50:20 180:10 195:3 228:1 establish 65:2 210:1, 4, 7, 8 established 48:12 52:11 209:6 establishment 47:22 estimate 339:24 estimation 67:14 estimation's 284:13 Ethanol 335:20, 22 E-V 299:25 evaluate 52:21 337:11 event 18:17 149:4 215:20 240:25 347:3 events 241:25 242:2 eventually 68:12, 14 226:23 227:20 ever 73:8 155:4 160:2 237:4 243:4 255:21 256:1 Every 299:6, 11, 15, 20 300:3, 10, 14, 24 311:4 E-V-E-R-G-Y 300:1 every 49:1 54:14 88:16, 19 91:12 129:9 179:25 241:4, 6 250:19 268:3, 11 285:6 303:3, 20 315:10 321:2 335:10 354:1</p>	<p>everybody 9:2 10:3 170:23 173:14 174:4 210:23 211:19 268:1 274:5 281:12 293:2 294:6, 16 336:3 everybody's 364:2 everyone 9:9 82:18 91:21 129:25 130:9 138:19, 20 165:18 180:5 200:12 211:12 246:10 293:3 294:25 321:23 347:16 everyone's 138:16 everything 9:6 47:21 93:8 128:18, 20 129:6 164:12 199:5 273:2 279:20 Everything's 228:10 everywhere 91:23 evidence 13:1 18:12 23:6, 16 26:18 31:4 46:4 65:1 67:3, 7 162:14 evident 267:22 evidentiary 34:25 35:11 evil 139:13 evolve 311:9 evolved 209:22 267:22 Ex 6:5 exact 14:16 22:8 356:8 exactly 17:22 57:20 96:5 104:5, 9, 10 119:23 142:11 147:6, 24 171:14 191:23 195:14 219:14</p>
---	---	--	---

<p>234:4 250:17 252:10 314:15 339:25 EXAMINATION 80:3 184:18 198:1 257:21 261:1 examined 79:17 197:14 260:14 example 69:10 149:5 186:11 255:20 314:17 341:21 374:25 375:19 examples 166:10 167:2 336:11 excellent 131:10, 11, 12 exception 39:5, 6 42:17 330:3, 4 Excerpt 3:4 excited 82:11 85:11 129:10 exciting 54:5 85:15 exclusion 24:20 excuse 39:3 41:24 118:6 154:19 execute 264:3 executive 20:21 25:18 26:12 202:23 exempt 41:21 exhaustive 25:2 Exhibit 4:2, 3, 6, 10, 12, 15, 18, 21, 24 5:2, 3, 6, 9, 12, 13, 17, 20, 23, 24 6:2, 5, 9, 12, 13, 15, 23 7:2, 6 22:13, 16, 17 26:18, 24 27:1 39:7, 11, 22 40:9, 20 42:13, 14 94:23 97:24 98:2, 5 110:12 115:5,</p>	<p>17, 19 123:5, 6 181:12 186:21, 23 188:14 193:16 202:2, 3, 8, 9, 17, 20 206:7, 9 214:18 221:19, 20 223:11, 13, 18, 24 224:4, 13, 16, 22 225:5 226:2, 3, 23 227:7 237:19 238:2 240:10 247:9 257:24 271:18, 20, 22 272:1, 2, 8, 9 282:16, 20, 24 283:1, 12, 17 288:20, 23 289:10 296:21 300:20 305:2 315:20 318:2 321:7, 8 327:8 332:1, 2 343:19 352:8 360:11, 12 361:24 362:7, 8, 10, 14, 25 363:5 365:23 370:3, 6, 7, 15, 21 Exhibits 3:3 4:1 5:1 6:1 7:1 8:3 10:22 32:18, 24 35:20 39:1, 3 40:3, 24 41:17, 25 42:2, 6, 8, 10, 13, 17 101:19, 25 102:2 125:8 378:22 exist 48:17 58:19 129:23 356:15 377:15 existed 267:3 279:16 existence 142:16 existing 66:11, 12 141:10 162:5 372:8, 10 exists 31:3, 17</p>	<p>127:19 258:11 expand 248:17 expect 127:20 128:2 178:7 Expected 3:4, 5 48:6 218:22 expecting 178:4 expediency 38:5 expend 341:18 expenditures 306:15 307:2, 10 344:24 expense 74:17 expenses 153:1 341:18 expensive 93:2, 3 106:6 294:3, 10 296:5 309:17 310:6 337:9 experience 51:24 52:18 66:21 83:10 157:6, 16 169:24 experienced 302:13 experiential 167:6 expert 39:8, 14 40:4, 7 42:17 156:4 expertise 52:19 73:7 323:17 324:12 expertises 156:6 experts 155:18, 21, 24 expiration 247:18, 19 expire 311:4 317:5 expired 338:3 explain 202:19 213:13 214:9 222:16 246:16 292:13 322:2 explains 26:2 302:8</p>	<p>explanation 246:25 explicit 186:7 explore 53:8 84:8 200:9 explored 52:10 85:24 exploring 50:12 extended 149:4 extends 280:13 extent 43:1 97:16 138:5 189:7 190:4 263:24 280:3 307:1 extra 273:18 extracted 201:9 extraordinarily 67:15 extremely 139:7 145:25 149:12 eyes 84:22 < F > face 160:6 162:5, 11 307:12 facilitate 54:13 176:13 201:14, 15 355:23 facilitated 54:1 facilitates 48:25 facilities 50:22 52:24 72:10 108:25 148:21 176:8, 22 203:17 307:6 324:13 354:9, 17 facility 203:16 298:18 337:6 339:19 fact 36:25 40:17 54:20 56:2 61:12, 21 63:12 67:6 68:6 69:22 73:6 75:23 76:10 105:10 106:16 137:24 157:18</p>
--	--	---	--

233:22 237:3 267:3 285:11 289:20 314:17 factor 18:8 factors 13:25 21:1 99:6 291:13 facts 25:20 27:7 31:11, 13 factually 79:1 fair 38:20, 22 43:8, 9 67:16 112:23 145:15 148:16 164:24 213:3, 4 240:8 301:11 347:16 fairly 14:17 166:11 297:2 305:3 fairness 71:21 158:23 236:4 244:4 faith 157:18 fall 87:5 236:15 familiar 115:19 122:6 124:9 143:18 172:13 266:21 271:19 318:7 366:8 370:20 families 48:3 49:8 famine 315:16 fantastic 82:9, 13 146:4 151:25 far 31:10 108:6 142:24 203:13 244:14 279:9 336:21 342:15, 20 Farm 6:2 80:15 137:14 254:18 261:6, 16 285:25 farmers 135:25 237:9, 12 243:20, 21 247:1 251:4 Farnam 2:16 fault 336:15	favor 58:18 75:19 130:23 183:8 321:3, 4 favorable 74:1 188:23 189:24 Fax 5:17 FC0 298:14 fear 55:4 feast 315:16 February 1:15 8:7 fed 335:23 Federal 76:17 114:9 140:6 214:20 286:20 357:17 feedback 53:25 feedlot 49:11 feel 15:17 84:1, 3 156:3 171:15, 16 fees 272:11 297:1, 4 feet 222:24 229:13 233:13 274:20 353:23 felt 37:6 126:12 161:15 163:23 277:3 FERC 63:14 72:14 76:16 144:20 216:1 244:20 245:1, 4 275:13 357:15, 16 fertile 47:17 field 49:10 201:12 247:3 254:18 324:4 fields 246:20 Fifth 28:7 figure 91:25 105:4 165:1 178:12 324:2 345:20 362:10 363:6 figures 363:18	372:18 file 28:14 102:22 filed 10:6 29:1 125:9 180:7 filing 130:23 fill 165:5 filled 191:13, 15, 17, 18 final 13:19 272:16 365:3 369:3, 6 finally 365:19 finance 272:3 finances 52:24 153:5 financial 53:16 61:19 72:25 74:16 75:10 99:16 293:17, 22 294:4 306:18 323:22 333:3, 8, 10, 12, 17 334:7 337:11 343:21, 23 345:8 348:19 349:11 360:16 361:6 363:12 financially 52:1 55:11 322:18 financials 75:10 financing 342:9 find 18:4 24:8 25:4, 6 76:6 84:8 172:2 175:23, 25 273:24 294:14 317:6, 10 finding 27:25 findings 21:21 22:12 23:22 24:25 25:1, 4, 19 fine 33:22 46:12 90:19 114:1, 2 174:6, 8, 10 196:9 259:15, 23 finish 358:7 finished 348:13	Firm 34:6, 12 47:1 157:3 firms 323:19 first 8:8 11:14 17:17 23:22 25:13 47:22 57:23 60:4 65:13 67:25 78:3 79:10, 17 85:2, 9, 17 110:11 111:12, 23 117:8, 9 143:8, 15 175:10, 16 187:18, 19 188:18 192:10 197:14 228:25 239:1, 19 247:24 260:14 295:13 314:14 316:10 349:15 370:25 Fish 114:7, 9 139:9 144:5 275:25 312:19 fit 120:16 251:24 252:8, 21 fitting 51:6 five 21:20 22:23 23:8 44:18, 19, 23 57:17 97:7 100:19, 20 254:23 259:18 342:13 348:19 five-minute 357:23 358:5 359:1 fixed 58:13, 15 294:9 Flash 7:6 flat 289:2 flexibility 314:5, 12 333:23 334:25 335:1, 9, 12 336:4 339:14 flexible 341:7 flipped 60:2 floods 273:16 Floor 1:13 8:8
--	--	---	---

<p>flow 144:22 214:10 215:11, 23 217:15 227:14 228:14, 16 232:18 280:16 286:20 313:6, 9 flowing 106:18 150:21 216:10 247:3 303:1 flows 63:11, 13 111:24 144:6 150:25 152:25 215:16 233:18 277:2, 23, 25 279:25 280:1, 15, 16, 18, 19 284:17 297:7 304:3 315:17 316:6 344:25 345:1 fluctuating 305:21 fluctuation 301:19 flush 336:11 343:2 focus 51:25 55:18 288:5 301:17 309:1 365:22 focused 51:17 72:25 73:1 87:6 293:23 focusing 64:13 Foley 331:10 folks 90:9, 16 138:16 139:8, 14 153:3 160:16 245:23 265:12 266:17 267:17 275:12 278:19 281:18, 24 288:8 291:9 311:6 319:14 323:15, 17 330:19, 22 331:16 333:19 345:13 376:18, 21 folks/voters 373:1</p>	<p>follow 36:13 47:15 70:16 103:7 230:21 274:13 310:19 348:12 following 8:1 27:11 110:2 175:2 260:2 360:2 376:14 follows 79:18 197:15 260:15 305:17 followup 110:18 116:9 175:9 184:12 192:9 195:20 257:1 374:25 footprint 131:16, 17, 18 335:17 force 179:4 268:10 foreclose 196:6 345:21 forefathers 281:17 forefront 139:6 forever 91:2 forget 206:17 Form 5:9 62:9 117:15, 19, 23 118:17, 18 189:6 238:5, 24 367:7, 18, 23 formal 34:24 35:11 165:21 formation 54:15 264:22 formed 68:1 191:9 357:5, 10 former 103:22 134:6, 8 191:7 forms 238:11 forth 95:14 126:4 240:21 309:25 325:25 334:16</p>	<p>fortunate 152:21 245:7 fortunately 147:19 forward 15:2 36:24 68:12, 21 69:14 70:15 72:14 83:14 84:2, 10 86:19 87:12 88:18, 20 129:8 130:6 131:9 133:6 139:20 169:9 171:4 172:20 177:10 178:15, 17 179:2 307:13 311:8 316:18 322:22 347:14 359:3 365:17 found 8:21 22:18 27:2 42:4 243:20 244:1 foundation 27:7 52:8 54:6 189:7 367:8, 18, 23 foundational 54:4 350:2 founding 266:16 four 19:7 24:15 71:6 81:13 100:20 203:15 229:4 238:22, 23 262:22 272:9 294:7 297:17 316:9 322:6 four-phased 52:12 fourth 28:2 four-tier 108:13 fraction 298:11 Frank 1:18 17:14 30:6 94:18 103:20 348:12 frankly 70:4 free 27:5 frees 252:15 Friday 8:7 44:3, 16, 18, 20</p>	<p>front 56:12 110:12 115:7 124:4 132:21 139:6 171:22 237:20 339:10 352:14 360:20, 21 frontline 198:17 fuel 303:24 fulfill 60:10 fulfilling 264:6 full 19:1 20:17, 24 79:20 188:9 307:5 315:10 fully 50:4, 15 58:6 59:18 319:20 fun 146:23 function 152:11 215:17 297:6 fund 69:24 71:8 341:4 344:23 fundamental 179:19 funding 308:3 funds 123:11 306:7 307:17 344:6 354:8 Furnas 269:22 furnishing 24:10 further 59:23 62:19 78:1, 6 131:22 166:1 192:1 225:19 226:7 247:14 252:25 258:23 259:1 261:25 280:13 281:23 furthest 205:21 future 50:14 59:9 60:18 72:14 75:7 82:3, 11 85:14 130:5 131:5, 11, 14 132:22, 25 133:20 134:1 147:11 154:11 167:1</p>
---	---	---	--

178:14 237:15 273:19 282:4 309:18 310:5 334:25 335:14 345:11 350:17 351:13 < G > gained 51:24 gas-fired 343:25 gated 245:24 gates 150:19 225:13 246:17 322:11 gathering 156:8 Gee 273:17 315:5 317:18 gees 157:15 general 24:21 25:18 26:1, 4, 10, 15 39:13 47:15 130:1 165:10 167:10 168:10, 12 169:5, 15, 16 177:18 178:22 191:18, 21 254:11 262:10, 17, 19, 21 263:2, 16, 25 264:2 270:20 272:4 298:15 304:18, 20 306:17 308:14 324:5 325:1 341:16 generally 118:20 119:4 150:3 180:17 201:7 209:16, 18, 23 224:18, 20 238:20 254:13 268:9 334:15 generate 52:22 54:10 66:8 74:14 111:2, 7 112:14 114:21 152:3 176:8 305:11 354:17 355:3	generated 113:8 302:22 313:11, 16 315:10 330:5 generates 48:18 71:13, 15 generating 150:6 267:5 generation 48:10 52:19 55:12, 14 76:20 85:12 92:11, 17 128:5 141:14, 17 204:2, 4 205:1 263:13 264:17 272:10 294:1 295:10, 22 297:15 300:18, 21 301:4, 5, 12 303:5 304:10 305:4, 8, 18 306:13 308:23 309:1 311:20, 24 312:10 315:6 320:15 325:3, 12, 13, 16 335:11 339:19 341:13 generations 60:19 204:19 Generator 112:4, 5 204:19 generators 111:25 206:12 generator's 338:18 genesis 317:25 318:16 geographic 58:13 geographical 269:17 geography 369:16, 24 geology 289:21, 24 George 60:2 264:24 266:2, 6, 7, 8 Georges 316:15 329:15 get-go 319:21	getting 10:19 72:3 107:1 113:15, 23 144:10 179:18 190:24 207:20 212:8 213:20 229:10 249:20 255:1, 5 257:6 274:20 279:8 300:12 304:11 312:24 353:18 give 90:23 95:2 115:22 130:2 172:8 173:3 174:17 196:25 224:25 243:21 253:6 257:9 260:17 271:18 316:14 338:20 given 46:9 57:10 80:12 172:5 210:13 gives 257:5 336:11 giving 57:8 249:7 glasses 256:23 Glendo 316:3 344:9 348:18, 21 349:5, 6 glorious 170:11 GMs 4:10, 15 go 9:7 13:12 20:23 21:13 23:1, 7 29:5 30:11 31:2 32:7, 10, 14, 16 33:25 44:23 46:14 66:15 68:19 70:15, 21 80:15 84:8 87:12 88:18 89:12 95:14 96:19 99:19 105:5 106:4 108:3 110:4 118:12 124:6 126:8, 21 130:7 133:5	143:10 154:7 156:17 159:19 165:15 168:19 169:11, 13 172:19 181:15 192:12 193:3, 14 209:21 229:3 235:12 237:15 239:6 248:18 252:16 254:25 257:2 260:3 261:12 265:15, 22 273:6 279:9 280:25 294:1 315:18 317:5, 9 340:22 343:4 345:15 349:15 358:22, 23 359:3 360:10, 24 362:9 goal 145:16 goals 276:2 God 303:25 goes 18:18 20:19 68:11 69:14 87:24 111:11 113:14 195:12, 13 205:1, 6 226:17, 22 234:10 279:4, 21 290:3 296:7 298:22 342:21 going 9:7 15:2 17:8 21:13 23:1, 7, 17 30:17 32:18, 24 33:5 42:9 43:12 45:6 60:5 63:22 64:10, 13 66:10, 13 67:5, 7, 9, 14 69:12, 22 70:1, 17 74:10, 11, 14, 21, 22 87:8, 9, 12 91:20 97:11 100:11 103:21 107:8, 19 108:24 109:1 110:4 111:1, 2 112:13 124:14 126:8, 11,
---	---	--	---

21, 22 127:7
135:15 139:18
142:8 146:10
152:2, 3 154:23
165:1 168:15
169:5 172:10
173:12 175:7
190:3 192:9
194:24 202:5
210:21 212:1
215:16, 23 216:1,
4 218:20 224:3
228:25 242:7, 9
247:7 253:7
254:14, 17 258:14
267:10 283:6
289:5, 6 290:21
295:3, 5 299:13
303:7, 14, 16
310:9 311:8
312:10 316:23
317:6 319:19, 20,
22 326:23 333:6,
10, 11 334:11
337:16, 20 338:18
341:21 342:13, 14,
17 343:5, 6, 18
347:23, 24 349:18
350:13, 22 352:6
357:23, 25 358:16
359:2 360:8
365:25 375:5
378:9, 15, 20
good 11:7 33:25
46:24 61:4 80:5,
6 91:2 139:22
147:19 149:16
174:1 261:3, 4
263:23 273:17
274:5 278:23
280:18 288:9, 10,
11 302:24 306:19,
21 331:10 334:17,
21 365:8 378:4, 6,
13

Gosper 6:2
50:18 68:3 94:1
96:22 99:23
136:10, 20 140:21
141:5 164:7, 19
181:5 182:19
195:2, 9, 13 269:4,
23 284:11 371:5
Gothenburg
112:1 260:21
377:6
gotten 272:25
302:24 364:18
Gottschalk 1:22
11:12 12:12, 17
13:4 14:7, 9, 21,
23 15:21 16:15
17:7 29:8 166:5,
18, 22 167:13, 21
174:5 274:15
308:19 310:18
374:18
Gottschalk's 12:5
16:1, 9
governance 52:23
53:14 59:15 87:5
91:5 183:24
278:18, 20 324:20
governed 58:7
180:9 268:18, 19
governing 116:16
176:15 177:10
178:13, 25
government 15:8
140:6 286:20
governments
286:21
governor 12:21
13:17 331:9
governs 116:1
239:3 366:23
grad 119:1
grade 113:24
graduated 80:14
261:17, 18

graduating 262:4
grander 265:25
grandiose 265:5
grandkids 85:14
granted 239:10
grants 342:3
graph 272:3
294:7
grasp 152:7
gravels 289:25
gravity 246:20
gravity-fed 246:19
grayed 219:19
great 61:14 73:2
107:15, 21, 22
156:11 245:12
274:23 287:6
292:24 309:3
316:16 341:1, 20
343:12 348:1
greater 165:16
333:14 334:25
green 284:21
285:3 315:19
Greg 1:20 9:18
grew 80:15, 18
261:6
grid 295:20
gross 71:16
ground 89:6, 9
104:13 126:22
133:2 137:14
177:19 220:14
223:1, 4 265:18
267:18 273:8, 19
274:21 275:14
279:13 280:8, 14,
20, 22 281:7, 11
282:6 284:16
292:18 293:3
304:17 353:23
grounds 160:19
Groundwater 5:3
54:11 55:22, 24
56:4 58:1 81:23
82:17 96:9

108:16 121:17
135:7 137:25
138:6 176:11
199:6, 11 200:24
201:1, 8, 20, 21
206:5 220:16
222:22 234:22, 23
235:3, 9 243:15
245:10 267:13, 21
279:10, 14, 16, 24
280:23, 25 281:3,
8 282:2, 6 284:5,
12, 18 285:14
286:3 287:15
288:11, 18 289:18
293:6 294:15
355:22
groundwater-level
283:19
Group 5:24 6:13
8:22 9:24 15:11
39:5 72:18 75:25
77:10 277:14
278:19 288:5
329:8, 17 332:14
grouping 356:8
grow 200:18
261:5
guarantee 212:15
guess 14:6, 24
17:5 22:1 80:16
106:20 145:10
154:20 160:21
170:5, 15 177:13,
17 178:18 192:24
224:4 228:3
287:8 319:24
321:18 340:9
341:15, 24 342:8,
22 351:16 352:13
358:22 364:11
378:4
guesses 326:25
guessing 17:24
guidance 130:2

287:2 guideline 133:1 guidelines 126:6 178:21 guiding 171:5 352:24 354:6 guy 266:18 guys 90:11 156:12, 14 196:9 Gwen 103:15 168:7, 9 317:13 < H > habitat 275:12 276:3 280:20 286:22 had 1:12 8:2, 18, 22 11:6 12:20 19:15 52:12 78:19 87:11, 16 88:16 91:11, 14, 15 93:6 96:3 108:23 110:2, 9 122:13 124:23 126:4, 14 129:5 142:18 146:4 153:2 157:8, 11 159:18 160:2, 5 163:20 164:1, 8 167:11 171:3, 4 175:2, 18, 19 180:7 183:17 184:11 185:14 186:4 192:24 199:6 218:17 234:8 243:9 244:12 260:2, 5 263:16, 17 264:24 265:9 267:16 290:15 306:21 307:23 315:6 316:16 318:21 319:5 323:7, 14 327:1 329:8, 9, 15, 16 331:9, 13, 14, 15 334:9 338:14	342:12 343:22, 24 344:2 347:18 348:4 352:13 357:13 360:2 371:3 372:14 hadn't 12:21 126:14 half 134:6, 7 135:15, 17 314:18 321:22 329:13 340:7 Hall 261:15 Hammel 4:12 hamstring 312:14 hand 35:15 143:10 144:1, 2, 4 365:25 handed 158:3 handle 151:21 156:21 358:25 handles 204:10 hands 122:25 139:17 140:8 251:8 happen 92:25 126:23 146:10 158:18 185:16 320:25 333:7, 13 happened 151:7 163:8 166:15 311:22 329:21 happens 9:3 13:20 37:12 151:6 338:19 339:18 happy 243:23 hard 44:18, 20 harmless 18:5 has 9:5 14:14 16:25 22:8 23:14 25:6 26:17 28:1 36:8 47:21, 25 48:7 55:15 59:17, 20 60:15 61:11, 16 67:19, 20 68:7 69:24 71:8, 11	75:3, 4, 23, 25 82:7, 9, 16, 18 88:11 89:8 91:22 92:7 93:14 94:2, 7 99:3 100:18 102:6 113:21 114:6 128:23 135:23 140:23 141:11, 22 143:1, 4 144:17 146:17 151:7, 17, 24 155:21, 24 159:14 160:8, 18 161:12 182:17 185:22 191:13, 14, 24, 25 193:10 195:4 205:23 206:4 207:25 210:9, 23 212:2, 16, 20 213:7, 19 214:11 215:5, 22 216:25 217:11 218:6 222:4 223:6 234:7 236:4 239:15 242:12, 16 248:25 249:1 253:25 266:25 268:24 271:8, 9 274:20, 24 278:6 279:11 289:17 295:11 309:23 314:3 315:8 316:8 319:3 329:25 337:24 339:8 341:3 342:1 343:9, 22 347:20, 22 348:2 356:25 364:17 365:18, 20 368:7 hasn't 14:7 256:8 257:11 316:1 Hastings 261:21 have 8:23, 25 11:2, 3, 19, 24 12:3 13:10, 12, 15,	16 14:14 17:16 18:7, 19 19:12, 20 20:16 21:8, 25 22:3, 10 24:22 25:3, 25 26:7 30:11, 15 31:4 32:21 35:16 36:23 37:4, 5, 9, 10, 20 38:6, 12, 16 40:2, 17 42:6, 8, 12, 13, 19, 25 44:13, 18, 19, 20 45:11, 19, 20, 25 46:6, 14 48:9, 16, 23 50:17 51:11, 14 53:13 55:19 56:2, 25 58:2, 22 59:1 61:25 62:11, 14 63:6, 7, 10, 15 64:7, 11, 18 65:14, 22, 23 66:19, 21 67:2, 17 68:9 69:21 70:9, 12, 18, 22 72:7, 10, 16 74:8 75:5, 15, 24 76:23, 25 77:24 78:1 80:9 81:1, 11, 16 82:16 83:9 84:7, 10 85:12, 13 86:5, 14, 22 87:8, 10, 17 88:9, 21 89:10 90:18, 19 91:4, 9 92:6, 16 94:3, 25 96:23 97:2, 9 98:10, 16, 23 99:6, 12 100:2, 3, 9, 14 101:18, 22, 23 102:12, 14, 16 103:7, 12, 14, 21 104:3, 24 105:3, 11, 18, 23, 24 106:23 107:14 108:15 110:11, 25 111:3, 8 112:13, 19, 24 113:5, 20 114:11, 20 115:7
--	--	--	--

116:4, 8 117:1, 17, 20 119:13 120:19 121:24 122:7, 16, 24 123:9 126:9, 12 128:13, 18 129:4, 9, 18 130:5, 6 131:6, 16, 18, 22 132:20 133:6, 9, 18 134:16 137:9, 14, 21 138:10, 12, 19, 20 139:5 140:1, 15 141:7, 16, 19 143:14 144:5, 6, 13 145:18, 19 146:13 147:1 148:19 149:3, 17 150:16, 22 152:5, 19 154:1, 6, 21 157:1, 5, 18, 19 159:14, 18 160:2, 10, 15 161:8, 9, 24, 25 162:5, 10 163:5, 15 164:2, 8, 10, 11, 13, 15, 25 165:3 166:5, 24 167:5 168:5 169:5, 8, 15, 19, 22 171:4, 21 172:2, 9, 21 173:11, 16 174:1 175:9, 16 177:18, 21, 23 178:5, 19, 22 182:8, 20 183:16 185:3 186:2 187:17 188:5, 6 190:12, 13 192:1, 8, 14, 17, 22 193:20 194:24 195:19, 23 196:24 198:20, 23 200:16, 17 202:9 206:10, 13 208:3 209:7 215:25 216:4 217:7, 14, 19 218:4 220:22 221:10 222:14	223:24 224:21 226:7 230:11 231:1, 4, 13, 21 232:7, 12 233:13, 17, 19 234:11 235:6, 7, 14 236:8, 22 237:1, 4 243:1, 8, 10, 20 245:10, 12 246:15 247:7 248:12, 16 251:1, 4, 5 254:5 255:20, 22 256:2, 11, 22 257:1, 18 258:19 261:25 262:3, 13, 19 263:16, 17 265:19, 21 267:6, 18, 19 271:2, 7 272:14 273:14 274:15 275:2, 7 276:17 278:8, 12, 14, 21 279:17, 19, 21, 22 281:2 282:7 285:20, 21 286:17 287:8 288:7, 14 290:23 291:3, 7, 8 294:19 296:1 298:14 301:4, 15, 18, 22 302:23 303:1, 4, 16, 18 304:1, 15 305:14 306:8 307:5, 25 308:11, 19 309:19, 20 310:2, 23 311:5, 17 312:1, 6 317:19, 21 319:17 320:10 323:3, 17 324:9 326:1, 23 332:17 333:6, 20 334:3, 20 335:4, 9, 25 336:5, 13, 15, 16, 17 337:15 338:3, 19 339:9, 15, 17, 19 340:17 341:21 342:4, 5, 14, 18 343:8, 9	344:3, 9, 18, 23, 24, 25 345:10, 13, 18 346:4 347:3, 18, 19, 24 348:8 349:6, 20, 25 350:9, 22 351:3, 8, 11, 19, 21 352:4, 19, 21 353:1 358:2, 4, 7, 9 360:20 361:10, 14, 17, 25 362:6, 19 364:18 366:2, 4 367:10 368:10 369:22 370:22 372:25 375:1, 5, 14, 20 376:18 haven't 90:11 243:11 255:4 369:20 he 19:5, 8, 10 60:4 91:23 97:16 155:1, 2 163:10, 11 172:13 191:25 192:13 208:9, 10 266:9, 11, 16, 17 332:13 364:21 head 33:24 166:14 252:18 274:21 heads 320:11 health 306:18 hear 11:19 12:25 15:4 23:15 50:8 52:11 53:11 58:5, 25 59:25 60:14 65:1 67:23 68:24 69:3 72:18 73:6 75:8, 21 287:24 293:11 328:15 330:22 heard 20:4 69:21 85:17 89:1 183:19, 20 200:6 201:2 237:1 265:6 269:7 279:19 283:25	285:22 287:14, 22 290:8 291:22, 23 294:2 302:2 309:6 329:14 344:3 HEARING 1:6, 13 8:5, 6, 8, 11, 16, 17 9:10 10:23 11:17, 21, 24 12:14, 18 13:6, 11 14:11 15:1, 19, 23 16:3, 12, 20 17:4, 10, 15, 21 18:23 19:14, 19 20:1, 22 21:7, 11, 16, 19 22:21, 25 23:4, 11, 20 26:23 27:4 29:9, 18 30:10, 16, 21, 23 31:6, 20 32:6, 10 33:4, 11, 15, 23 34:18, 25 35:7, 10, 11, 23 36:2, 11 37:15, 23 38:23 39:21, 25 40:6, 10, 15, 23 41:5, 9, 12, 16, 20, 24 42:5 43:11, 16, 21, 25 44:6, 12, 13 45:18 46:11, 16 53:6 60:13 76:14 77:3, 11, 14, 23 79:5, 9, 13, 19, 25 88:22, 25 89:13, 17, 23 90:1 92:2 94:14, 20 95:4, 7, 12, 21 96:1, 10 97:15 98:9, 13 101:17 102:5, 8, 12, 18 103:2, 6, 10 108:22 110:3 112:2, 7, 22 113:9, 13, 18, 25 114:8, 15, 25 116:13, 18 118:1, 7, 11 119:2, 8, 11 124:13, 25 125:3, 11, 16
--	---	---	--

131:24 147:4, 21 148:1, 5, 8 154:2 155:3, 9 166:19 167:14, 22, 25 168:3 172:4 173:17, 20 174:9 175:3, 4, 11, 14, 17 181:8 184:9, 14 185:21 186:6 188:8, 12 190:14, 21 192:3, 6, 11 193:16 195:25 196:5, 8, 12, 16 197:6, 9, 11, 16, 19 199:16, 19, 24 200:3 202:25 203:5, 8, 18, 21, 25 204:3, 9, 21 205:11 206:6, 22, 25 207:5 211:25 212:6, 14, 22, 25 213:5 216:18, 21 217:2 218:21 220:21 221:5, 8, 13 223:9, 14, 16, 20, 25 224:2, 8, 12, 15 226:9 227:2, 6, 9, 11 253:1, 9, 12, 17 255:8 256:7, 15, 25 257:4, 16, 20 258:25 259:8, 12, 15, 18, 22 260:3, 8, 16, 22 272:20, 23 274:7, 12, 17 275:16, 19, 24 276:5, 9, 12, 15, 19 277:6, 10, 13, 16, 19, 24 278:3, 11 282:12, 15, 21 283:9, 12, 15 285:19 288:20 289:9 296:9, 12, 16 299:19, 23 300:2, 5, 11 308:4, 8, 13, 17 311:11, 15 312:5, 17, 23	313:3 321:6, 10 328:7, 9, 14, 19 332:10, 15 334:23 336:7, 10 357:19, 22 358:13, 24 360:3 361:14, 20 362:9, 13, 18, 20, 23 363:2, 8 364:1 369:8, 12, 19 371:15, 20, 25 372:5, 9, 13 373:23 374:3, 8, 12, 15 376:2, 5, 9, 13, 23 377:25 378:8, 14 hearings 45:20 heavier 131:18 heck 248:15 Heiden 6:2 9:19 Heidens 8:21 heightened 139:2, 4 243:16 held 32:9 64:3 81:16 198:23 210:11 242:8, 9 266:9 284:15 331:4 349:4 362:12 help 146:9, 14 201:23 263:22 264:3 273:2 281:19 286:24 287:18 288:6 292:17 308:7 317:21 319:2, 3 323:12 334:11 335:16 336:2, 3 337:8 342:3 helped 329:17 helpful 215:8 283:22 285:13 293:3 helping 275:13 helps 131:20 220:13 246:5, 10	273:20 281:12 294:16 335:17 her 11:17 12:9 14:21 18:9 25:19 29:19, 20 33:24 317:15 Herald 4:17 herself 11:13 12:13 17:18 He's 18:24 175:19 181:11 192:12 hey 71:25 86:6 90:11 130:4 146:5 156:10 157:22 254:10, 25 266:18 275:3 292:23 317:24 319:9 344:23 Hieden 3:4 high 51:19 80:14 106:17 220:15 261:18 higher 106:14 312:11 high-level 326:18, 24 highlighted 371:1 highlights 73:13 him 18:24 19:5 172:6, 8, 9, 11 hindrance 343:11 hire 86:10 hired 77:10 86:11 hiring 320:18 his 39:15 40:22 61:15 78:8, 9 103:1 130:1 189:11 192:13 201:3 247:25 252:18 historic 280:5 historical 308:21 377:14 historically 99:6 145:17	historical-type 307:24 History 6:25 51:2 60:24 83:10 86:12 165:2 237:5 266:22 hit 289:25 303:18 314:12 338:19 339:14 Hold 103:9, 12 104:14 108:1 123:25 135:3 139:17 140:7 214:14 248:13 262:23 314:19 holders 330:7 holding 21:15 103:15 213:21 233:2 303:22 holds 225:15 250:19 251:8 357:15 holes 158:7 267:18 home 267:11 homes 48:23 honest 341:10 honestly 139:17 hope 108:20 149:15 170:21 355:3 hoped 12:23 47:24 353:22 Hopefully 285:13 297:8 303:14 horse 64:16 hot 106:25 hour 29:19 172:5, 25 173:7 174:14 329:13 hours 108:1 house 70:2 170:13 houses 54:2 91:14 129:5 Hub 4:18
---	---	--	--

<p>huge 75:15 273:16 284:16 309:23 hundreds 48:22 hurt 318:23 Hutchison 1:19 22:20, 22 23:2, 10, 18 29:7 96:14 97:21 98:18, 21, 24 99:18 100:1, 13, 24 101:5, 7, 10, 14 116:8, 15, 20, 24 173:11 174:7 175:15 179:8 180:8, 13, 20 181:13, 19, 23 182:3, 9, 16, 22 183:5, 11, 16, 22 184:4, 7 192:7, 15, 21 193:2, 9, 13, 19, 23 194:7, 15, 19, 23 195:10, 15 208:7, 16, 19 213:9 214:1 215:7, 15 216:12 219:8, 17 220:1, 7 229:16 230:3, 6, 12, 17 253:21 254:9, 19 256:17 257:2 286:10, 13 287:5, 12 288:1, 25 291:21 292:4, 8 293:7 295:1 304:23 313:4, 19 314:11 316:20 348:11, 16, 24 349:2, 8, 12 350:7, 11, 16, 21, 24 351:2, 6, 10, 24 352:1 374:24 375:4, 7, 12, 16, 25 376:4, 7, 25 377:7, 11, 17, 21, 24 Hutchison's 376:14 hydraulic 338:25</p>	<p>hydraulic-filled 294:12 Hydro 6:5 42:22 60:3 63:2 65:21 71:6 73:15 110:22 111:18, 19 112:5 134:24 142:3, 24 153:17 176:7 203:24, 25 204:2, 18 205:1 206:11 219:11 229:1 236:1, 23 263:7, 12 267:5 272:10 293:19 295:16 296:2 297:14, 17 301:4, 5, 12 305:4, 8 311:24 325:16 335:4 364:17, 22, 25 365:17 hydroelectric 216:7 355:3 hydroelectricity 150:7 hydrological 157:5 hydropower 48:10, 18 54:10 69:7 73:18 92:10, 17 112:25 113:16 143:9 144:2 155:22 176:21 300:18 305:4, 11 325:3, 12, 13 354:17 357:17 hydros 66:6, 7 69:13 84:19 107:25 108:5 150:8 152:2 205:19 284:23 291:17 316:9 339:8 hypothetically 254:22 < I ></p>	<p>idea 20:16 50:4 85:10 152:23 192:18, 22 200:4 271:2, 7 301:5 316:16 319:10 346:2 364:15 365:8 identification 8:4 identified 21:20 23:8 42:14 identify 52:25 334:12 identifying 53:2 73:9, 10 330:11 364:8 if 9:2, 4 13:12 15:25 16:22 17:17, 18 18:3 19:5, 14 20:11, 20 21:14 22:6 23:6 24:19 25:5 30:14 31:21 33:16 34:23 35:12 37:6, 18, 25 39:19 43:6 44:2 45:1, 4, 10 46:9 52:15, 16 53:9 58:14 67:14 68:11 69:13 70:10, 15 71:2, 24 78:6 84:1, 18, 19 86:16, 17, 18 87:14, 16 90:21 93:11 94:8 95:7 99:11 100:4, 11 104:21 105:2, 5 106:6, 22 107:2, 17 114:1, 3 116:3 117:2, 24 118:7 124:19 125:6 126:14 130:10 131:8 133:3 139:17 140:1 143:14, 23 145:22 147:4 150:9 155:8, 12 164:20, 25 165:6 169:15</p>	<p>171:25 172:4, 25 173:1 177:11, 22 180:24 185:16 186:13 187:1 192:24 193:3, 13 194:4, 9 196:8 200:9, 16 202:2 203:2, 8 210:18 211:4, 7 213:1, 23 215:6 216:11, 17, 24 219:21 221:16 223:21 224:2, 3 225:24 228:18, 23 230:23 233:10, 14, 19 235:10 238:1 239:1, 6 240:17, 18 241:10 242:1, 5, 19, 23 243:1, 21 245:23 247:19, 25 248:12, 16 249:2, 12, 20, 21, 25 250:10, 25 253:1, 5, 25 254:21 255:5, 16, 23 256:8 257:9 258:10 267:16 270:5 273:17 278:6 279:8 281:1, 4 283:25 284:2 285:16 288:14, 16, 23 289:17 290:15, 20, 24 292:25 293:8, 13 294:7 295:21, 22 304:9, 11 305:8 309:14, 15 310:8, 11 311:17, 19 312:13, 14, 24 313:7 314:6 318:25 319:1, 6, 19 322:13 326:22, 25 328:18 329:11 333:6 335:5 339:15, 24 340:15 341:11, 15 342:22, 23 343:8 344:16</p>
--	---	--	---

<p>345:18, 20, 25 346:1, 4 349:14 350:17, 25 351:16 352:8 365:16 367:10 375:17 377:21 378:9 illustration 203:14 207:22 immediate 193:4 impact 31:8 50:2 65:25 149:13 214:11 282:5 361:22 363:15 impacted 374:21 impacting 88:1 impacts 49:6 280:13 323:11, 24 339:7 impair 24:4 impediment 312:18, 25 implement 36:9 49:18 57:17 133:9 154:13 276:1 implemented 58:6 134:1 253:20 353:1 imply 208:11 importance 208:5 important 15:4 48:2 49:15 56:11 92:10, 12 125:14 126:17, 24 127:3 132:6, 14, 24 139:7, 9, 10, 11 236:12 280:4, 24 288:4 356:3, 5 imposes 276:20 impossible 67:15 164:13 impounded 201:10 improve 294:8 345:3 improved 291:12</p>	<p>improvement 333:16 improvements 346:8 incentive 312:3, 6 incentives 292:23 313:21 314:7 incentivize 147:14 incentivizes 310:3 inches 105:8 146:1, 24 147:6, 9, 12, 18, 22 incidental 220:13 incidentally 223:4 include 25:24 26:4 63:8, 17 64:23 214:16 375:9 included 334:20 includes 12:8 27:24 66:5 75:18 214:17 219:18 372:17 including 53:5 58:23 59:6, 16 102:1 129:25 181:24 241:17 372:23 income 71:17 92:15 138:13 361:22 363:15 incomes 153:1 incorporate 37:11 incorrect 56:14, 16 113:2 337:19 incorrectly 340:21 increased 351:19 increasing 201:19 incredible 291:13 316:14 incredibly 59:17, 20 incredulous 57:23 incur 240:18 241:3</p>	<p>independent 36:20 320:12 326:13 independently 71:24 320:10 342:14, 18 I-N-D-E-X 3:1 indicate 226:3 295:9 indicated 11:6 21:25 22:15 26:19 32:17 85:16 120:7 121:7 171:3 173:25 218:17 239:17 240:22 255:12 295:25 300:23 352:11 indicates 162:15 221:11 297:11 indicating 221:14 259:3 indication 18:12 indirect 201:18 207:19 208:2 215:2 228:13 231:9 indirectly 208:20 individual 38:7, 16 61:8 78:25 79:7 266:14 286:3 individual- agreement 211:15 individuals 91:18 271:11 indulge 21:14 23:7 industries 51:23 331:16 industry 48:3 262:6 informal 50:10 information 21:8 153:4 156:8 158:3, 4 160:19,</p>	<p>25 161:9, 11, 18, 25 162:15 197:1 informed 29:13 infrastructure 198:14 263:6 344:21 346:18 inherent 67:1, 13 inherently 67:8 initial 318:13, 24 354:10 initially 349:18 initiates 211:3 injured 38:9 innate 83:19 87:23 128:9 innovate 273:23 innovative 290:5 input 278:23 in-season 148:25 149:20 insight 301:15, 18 insignificant 358:12 instance 89:24 106:22 180:5 354:8 instant 149:9 instantly 66:2 institutions 48:4 instream 144:22 integral 10:14 51:15 integrate 325:4, 5 integrated 142:14 335:13 integrating 73:3 74:3 153:16 intend 36:4, 13 intended 255:2 354:1, 3 intent 344:16 346:21 350:12 352:19 354:7 374:19 intention 36:23 133:24 352:22</p>
--	--	--	---

<p>intentional 272:18 273:7, 25 intentionality 52:8 intentionally 273:12 interaction 324:11 interest 38:5, 11 50:24 57:6 58:2, 3 60:1 62:11, 14, 20 63:7, 11, 16 64:2, 12 65:3, 12 66:18, 23 67:24 70:24 76:7, 8, 9 93:14 130:9 131:2 134:16 144:17 170:9 195:24 235:6, 14 265:9 282:7 290:15 313:15 344:15 347:8, 11, 12 360:10 interested 51:4 63:8 65:6 138:25 160:16 280:22 281:24 319:6, 9 327:2 329:9 interesting 316:13 interestingly 335:20 interests 23:25 24:15 56:8 59:16 63:23 64:14 67:4 81:24 132:11 153:23, 24 214:14 272:12, 13 310:13 317:20 interject 88:23 internal 161:5 318:17 330:5 337:1 internally 92:18 365:1, 18 interpret 372:21 interpretation 36:18 115:23, 24</p>	<p>Interrogatories 6:22, 23 interrupt 33:5 98:19, 23 124:14 147:5 172:5 190:15 212:1 282:23 357:20 interruption 33:25 interstate 277:11, 14 278:13 intertwined 315:18 intervals 52:14 interworkings 161:19 intricacies 329:14 intricate 273:4 316:14 introduce 33:10 introduced 10:22 invariable 69:17 invest 356:16 invested 50:25 investigation 10:10, 12 investor-owned 301:2 invite 330:21 involved 17:18 28:14 47:21 52:21 88:13 121:16 142:22 157:9 172:22 201:14 217:18 263:3 285:23 ironic 57:18 237:8 irrigate 69:6 105:20, 24 106:1, 3 107:3 112:14 113:8 144:7 198:15 248:20 336:1 irrigated 80:9 215:4 222:3</p>	<p>229:21, 25 240:15 284:25 303:12 irrigates 136:16 irrigating 107:13, 18 245:24 IRRIGATION 1:5 2:1, 8 8:13 9:14 24:12, 16 25:23 28:11 34:8, 13 36:7 37:4 47:7, 12 48:1, 7, 14, 15 49:20 51:19 54:9 55:6, 11, 17 58:1, 10, 21 59:4, 6 61:1 62:22, 25 66:8, 21 68:25 69:12 71:7 72:24 74:20 81:22 82:15 89:1, 3, 5 92:23, 24 93:1, 14 94:4, 7 97:3, 10 99:8, 13, 17 100:23 101:1, 8 103:23, 25 106:18 108:7, 15 111:2, 7, 8, 17 112:24 113:5, 15 114:21 116:2, 3, 5, 6, 10 119:25 121:8 127:11, 19, 21, 24 128:4 134:19 135:1, 7, 8 142:5 143:7, 14, 24 145:10 149:13 156:14, 15, 17 157:10 167:3, 15, 19 172:19 176:6, 21 183:12, 13 186:15, 16 187:17 188:19 189:3, 19 192:19 194:1 196:24 198:9, 18 199:7, 11, 14 200:8, 13, 15, 18, 21, 22, 24, 25 201:4, 13, 15, 17</p>	<p>204:17 205:8, 18, 22, 23, 24 206:1, 5, 21 207:3, 10, 15, 23, 24 208:2, 3, 6 209:2 211:20 214:3, 15, 16, 17 215:2 216:3, 8 217:12 219:1, 2 220:10 225:23 229:19, 23 230:1 231:10, 16 232:10 233:11 235:11 236:12, 21, 25 239:11, 12, 15, 16 240:11 242:13, 17 243:15, 20 245:8 246:22 247:12, 21 254:2, 6 255:6 258:11 263:18 264:7, 15, 17 267:14, 15 268:3 271:8 272:10, 17 280:9 281:8 282:11 289:5, 6 291:10, 25 292:10, 19 293:9 294:18 296:2, 25 297:4 304:4 312:11 316:5 325:18, 20 335:25 351:17 353:2 354:16 355:1, 17 356:6 364:23 365:5 366:19 367:3 371:9 372:4 373:4 irrigation-specific 59:5 irrigator 88:8 97:1 107:3, 13 119:21 145:23 208:10 Irrigators 5:19 56:17, 18, 24 58:25 59:16 62:21 63:5, 19</p>
---	---	--	---

<p>65:12, 19 67:19, 25 68:5, 9, 19 72:7 76:10 88:6, 12 93:20, 21 95:16, 17 96:8, 25 105:7, 20 110:19 119:20 121:16, 19 123:2 135:24 136:3, 16, 17, 20 137:25 138:6, 24 145:2 149:24 151:4 163:3 188:23 189:24 201:21 212:3, 17 214:12 220:16 233:7 234:23 235:9 239:22 241:18 248:17 318:25 351:22 375:13, 14, 17, 20 irrigator's 148:24 149:14 issue 12:2 15:5 17:9 19:20 22:12 24:21 26:1 31:2 38:16 63:22 64:6, 18 162:19 177:23, 25 244:23 308:5 325:8, 11 354:1 issued 21:17 22:11 317:7 366:22 issues 11:14, 23 21:20 22:23 23:8 25:2, 9 28:25 29:2 52:21 69:21 72:21 82:2 83:24 86:13 87:6, 15 91:3 100:23 117:14 122:6, 9, 12, 19 144:12 153:8 175:24 178:20 196:24 200:8 267:24 323:5 324:6</p>	<p>325:3, 19 333:6 354:3 issuing 311:6 item 256:24 327:9, 12, 14 331:2 368:25 items 370:24 ITS 1:6 10:12 26:20 27:10, 13 34:9 43:5 47:9, 20, 21 48:7, 8, 24, 25 49:7, 22 50:25 51:1 55:8 58:12 63:14 71:12 72:13 73:7, 17 74:5, 7, 19 75:4 105:13 113:14 146:17 161:12 162:1 205:9 210:10 238:24 240:7 241:17 242:10 244:7, 19 251:8, 23 267:1 269:13, 19 305:10 321:20 326:11 330:1, 2 343:23 356:22, 23, 24 366:15 367:6</p> <p>< J > J-1 112:1, 3 205:4 310:21 J-2 112:1, 3 310:21 January 25:15 60:2 Jarecke 2:3, 4 15:25 16:4, 17 17:3 19:22 21:6, 10 32:19, 23 33:6, 14 34:1, 3, 5 35:21, 25 36:17 37:13, 22, 25 38:19, 21, 25 39:15, 19 40:7, 8, 11, 17 41:1, 7, 11,</p>	<p>15, 22 42:20 43:15, 19 44:9 45:16 47:2 77:19 78:5, 21 95:1, 9 98:11, 15 101:21 102:7, 16, 23 103:1, 14 112:8 123:21 154:23 167:24 168:2 196:2, 11 204:6, 15 227:8 360:17 361:18 362:6 370:6, 18 374:10 Jeffrey 60:3 73:16 74:3, 12 205:2 298:24, 25 299:1, 16 301:9 310:21 337:6 364:25 365:17 jeopardize 24:4 jeopardizes 235:12 job 82:10, 13 151:25 162:7 263:23 290:16 317:9, 11 333:19 334:17, 21 jobs 85:13 Johnson 79:24 94:11 112:4, 5 120:18, 23, 25 148:20 205:3, 5 264:24 266:7, 8 299:7, 12, 13, 16 301:9 341:22 join 53:4 joined 47:2 Joint 4:5 5:13 158:10 159:3, 7 168:23 185:4, 6 320:2, 8 321:19 330:23 332:7 jointly 77:10 judgment 57:5, 9 July 61:1 105:22 187:1, 2 339:16 353:7 369:2</p>	<p>jump 326:20 360:8 jumping 274:13 Jundeen 3:17 June 149:12 jurisdiction 70:19, 21 justifications 73:23 justify 71:25</p> <p>< K > KAAPA 335:19, 22 Kansas 300:8 Kautz 3:13 168:7, 8, 9 317:14 kbrashear@rembol tlawfirm.com 2:12 KCP 300:9 Kearney 4:10, 18 54:21 68:3 94:2 96:22 99:24 136:11 137:4 140:21 141:5 159:7 181:6 182:19 185:6 195:2 207:1 216:15, 24 226:25 227:16, 22 269:1, 4, 23 270:5 330:24 331:4 332:8 371:5 377:15 keep 9:3 14:18 69:13 84:21 102:9 131:6 141:19, 20 220:13 294:21, 22, 23 312:11 344:6 346:21, 25 keeping 50:4 153:22 235:19 281:5 keeps 220:15 305:25</p>
--	---	---	---

<p>Keith 96:24 140:20, 24 141:1, 4 180:16 181:3 193:21, 24 194:3 195:1 270:14 371:4 kept 342:17 key 52:14 63:22 87:22 kids 85:14 kind 18:11 23:13 85:4 86:11 96:19 113:19 121:19 144:11 152:25 179:10, 18, 20 203:19 206:7, 10 209:4 212:16 214:9 232:9 237:8 264:4 274:19 277:3, 22 282:25 289:23 297:7 307:21 313:12 318:16 322:5, 6, 7 328:21 329:4 333:1 335:2 336:4 339:4 348:12 352:22 354:10 364:12 kinds 99:6 255:24 308:5 Kingsley 62:22 81:25 204:24 219:11 231:21, 23 232:1, 3 266:17 297:23 298:2, 22 301:6 313:8 344:3, 5 348:23 knew 12:22 87:8 122:19, 24 125:5 318:19, 22 330:7 knocked 147:13 know 10:1, 19 12:23 14:3 16:24 18:3 19:20 20:10 22:5 23:11 29:16</p>	<p>31:21 32:13 45:5, 9 49:9 50:25 72:5 77:20 82:14 83:12 84:6, 11, 18 87:9, 12 90:3, 19 91:5 96:17 99:3 103:24, 25 108:10 113:5 114:2, 3 118:5 119:24 125:6 129:6 130:4 131:16 136:22 139:25 140:7 146:6 150:17 152:6, 23 155:8, 13 156:15, 17, 18, 19 158:1 159:8 161:13 162:17 164:22 166:16 167:23 171:18 172:18 173:3, 25 177:19 179:12, 20 190:19, 20 193:4 194:3, 4, 5, 6 201:7 203:6 210:9 211:5, 7, 9 212:20 214:22, 25 215:6 217:8, 17 218:10 219:21 221:1 223:2 228:18 232:23 234:4 235:5, 10 237:3 238:1 241:11 242:7 244:2, 14 245:6, 22 246:2, 5, 6, 7 248:15 249:21 250:1, 2, 3 252:5, 11, 12, 15 254:21, 24 255:5, 23, 25 256:3 266:3 267:3 273:1 278:9 284:10 287:17 294:15 295:16 297:25 302:5 303:5, 6 307:25 308:21, 22,</p>	<p>23 309:6, 18, 23 310:2, 4 312:14 313:15 315:15 317:14, 16 319:13 321:12 323:9, 14, 20, 22 324:7, 10, 16, 19 325:15, 25 329:13 330:10, 19 335:4, 15 339:1, 4, 17 340:16 345:7 346:7 347:14, 19 349:21, 22 351:18 353:19 356:10 358:2 362:14 376:19 knowledge 11:17 51:22 137:6 166:9 169:22 183:24 243:5 known 44:25 68:2 73:16 251:1 knows 10:4 83:11 125:7 130:6 359:3 Kreifels 2:3 34:4 39:24 47:3 95:6 98:1, 3, 12, 16 102:14, 20, 24 103:5, 9, 12 123:9, 12, 14, 25 124:2, 6 125:2 181:11 201:25 202:4 237:21 282:17, 19 283:1 361:24 362:5, 17, 22 363:1, 7 365:25 366:6 370:8, 12, 14, 17 Kristen 1:22 16:8 17:17 Kurth 2:8 34:11 46:25 KUTAK 2:15 34:16</p>	<p>< L > label 363:22 labeled 283:18, 20 361:5 labor 330:12 347:20 lack 166:9 246:25 lacks 24:21 lake 48:22 56:9 63:9 71:3 79:24 94:11 111:22 113:22 120:18, 23, 25 121:2 203:13 204:16 205:3, 17 206:19 207:4, 23 208:4, 5 214:4, 15 215:19, 20 216:10 219:5 226:22 227:19, 20 228:1, 16, 17 232:7, 25 246:12 263:7 268:4 284:15, 22 285:2, 4 289:7 303:19 314:25 315:22 316:11 341:22 lakes 108:11 284:24 307:4 land 105:11 209:10 213:20, 25 222:4 229:21 231:17 247:17 251:23 252:7, 16, 19, 20 255:6 Landmark 2:10 landowner 209:12, 13 213:24 landowners 213:11 lands 239:9 248:20 landscape's 309:5 language 22:8 26:4, 9, 14 31:23 large 61:23 206:8 217:16</p>
---	---	--	--

223:7 235:3 246:24 269:15 301:25 306:15 335:24 344:22, 24 371:10 largely 220:22 larger 59:23 207:9 220:11, 25 236:3 largest 220:12 275:8 294:11 335:21 last 10:22 47:17 69:20 83:7 84:5 116:9 124:20 146:16 151:15 159:7 162:19 244:4 246:4, 11 251:19 310:6 314:18 315:6 316:9 348:5 late 277:1 348:5 launch 335:19 Law 34:6, 12 47:1 249:20 250:18 lawsuit 29:1 lawyer 367:12 lawyers 218:17 lay 246:21 lays 298:16 leaders 47:13 50:9 52:9 53:23 54:3 60:9 leading 18:8 leak 284:24, 25 learn 85:2 87:2 169:10, 23 329:10 learned 85:9 151:20 lease 88:9 94:11 117:23 120:14, 17, 18, 19 272:14 leased 236:21 leasehold 272:12 leaseholder 94:10	leaseholders 48:23 294:15 leases 117:12, 15, 17, 19 118:4, 18 leave 45:10, 13 63:20 91:1 221:2 308:5 334:24 378:20, 22 leaves 29:22 45:2 led 51:21 54:15 88:15 128:21 317:13, 18 319:4 left 92:7 203:13 378:1 legacy 70:2 legal 31:22 32:2 154:25 155:4, 11, 12 189:7 190:4 212:8 312:18, 25 323:19, 20 367:8 legally 53:4 55:25 legend 266:9 372:17, 20 legislature 12:22, 24 13:18, 21 18:19 19:1, 15, 23 20:5, 17, 24 105:1 legitimate 157:12 length 343:15 Letter 5:6, 17, 24 6:2, 13 39:7 40:20, 21 letter's 39:16 letting 330:19 Level 5:3 152:25 215:19 223:1 311:25 333:18 levels 215:18 279:17, 24 leverage 309:15 335:16 344:17 leveraged 323:10 Lexington 4:15 80:14 112:1, 6 263:8 285:6 344:1 377:6	liabilities 356:24 357:8 liability 240:18 liable 210:11 242:8, 9, 20 license 63:14 144:20 244:20 245:1, 4 275:13 357:15, 16, 17 lie 289:23 333:7 Lieutenant 331:9 life 49:6 51:15 298:8 343:23 lifeblood 82:4 lift 309:11 light 12:4 24:11 38:14 129:20 206:11 216:22 220:12 300:9 306:9 lights 235:19 Likewise 56:7 limit 46:5 limited 45:25 252:3 Lincoln 1:14 2:4, 5, 11, 12 8:10 50:18 96:24 136:7 140:21 141:3 180:17 181:4 194:9, 10 195:1 207:13 230:14 270:14 351:20 371:4, 11 374:25 375:2, 9, 13, 15, 19 376:20 377:1 Linda 9:19 line 57:25 94:9 285:17 301:8, 12, 16 348:13 378:3, 9 lines 142:18 219:20 220:4, 23, 25 221:4, 9, 10, 22 225:4, 6 269:18	286:7 294:7 313:5 345:14 369:24, 25 list 25:2 41:13 42:14 87:5 97:25 102:8 327:9 329:5 343:16 listed 76:24 listen 129:24 329:12 listened 90:18 listening 34:3 listing 187:4, 6 lists 332:21 little 33:8 71:10, 16, 19, 23 72:16 73:14 74:14 105:18 179:22 198:21, 22 200:2, 9, 25 204:7 213:14 225:13, 14 228:7 229:11, 18, 20 246:11 255:17 262:22 265:24 284:20 285:15 286:17 288:16 299:14 302:10 309:12 310:19 314:4, 22 317:17 355:25 live 57:24 80:17, 18 82:14 137:20 138:6 245:12 lived 261:15 lives 82:20 LLP 2:4, 10, 15 load 74:6 106:24 107:9 282:11 295:12, 20 335:22 337:1, 3 339:20 loads 93:1 335:21 lobbying 15:9 local 55:5 57:19, 21 64:7, 8 85:12, 13 140:1, 13, 16
---	--	---	---

141:7, 14, 17 186:11 locally 48:21 54:10 186:17 located 225:8 261:14, 15 location 223:17 lock 378:21 locked 45:1 378:21 logo 271:23 lollipops 334:1 lonesome 34:16 long 20:17 75:25 81:11 90:11 146:3 172:10 198:20 199:16 234:10 262:13, 19 265:24 273:20 289:17 297:2 324:23 337:25 340:17 344:14 358:23 longer 15:13 45:7 74:13 246:12 289:17 358:8, 10 longest 275:9 long-lasting 50:2 long-term 193:5 307:24 310:24 look 63:23 71:2 83:23 84:6, 22 86:19 130:5 180:25 222:21 255:24 264:22 282:24 284:2, 19 288:15, 18, 23 295:10 306:1 309:10, 17 317:24 320:9 323:13 326:19, 24 330:10 338:8 341:11 352:8 354:7 370:4	looked 159:14 237:4, 7 248:14 276:23 295:12 323:6 326:25 looking 23:16 60:10 72:14 85:6 97:24 156:12 171:2, 13, 17, 19 192:12 203:12 211:9 219:18, 23 221:19 222:25 245:23 252:11 256:19 308:21 342:11 351:16 361:3 362:3 363:11 377:22 looks 156:11 302:13 315:16 362:2, 3 371:3 lose 235:15 248:18 249:24 334:24 373:18 losing 55:4 57:19 loss 65:14 247:4 lost 348:21 lot 14:24 21:1 72:18 84:4 89:1 91:17 103:24 108:14 136:22 140:10 151:20 153:4, 7, 15 200:14 211:7, 8 217:18 222:20 245:13 246:3 254:14 263:9 264:23 272:11 273:1, 4 279:14 284:13 289:2, 5 293:19 297:1 298:13 302:1 309:7, 22 314:3 316:2 321:13 323:17 326:19 329:14 331:16 335:3 343:23	345:8, 11, 12 353:15, 16 373:19 lots 69:3 low 48:7 145:25 176:5 294:20, 21 312:12 354:15 355:7 low-cost 75:5 135:18 lower 137:25 147:18 162:3 199:3, 10, 17, 18, 19 224:13 294:17 295:6 309:11, 14 371:11 lowest 294:18 355:12, 14 low-head 84:18 L's 300:9 luck 145:23 LUDTKE 2:10 34:12 47:1 lunch 43:17 172:9, 25 173:6, 15 174:2 < M > MOEN 227:17 magenta 205:25 206:8 main 45:14 91:3 235:25 286:14 maintain 237:5 238:12 248:13 279:24 290:25 294:13 342:4 maintained 65:9 maintaining 135:1 maintenance 72:13 307:6 314:24 major 49:1 323:25 326:14 majority 18:2 48:8 58:20 68:4 92:15 95:17, 20	100:4 136:3, 5, 15, 17 140:18 183:7 190:10, 11 191:5, 6 349:22 350:6, 9, 18 367:14 368:3 making 96:20 138:22 198:12, 13 199:8 217:23 235:14 240:20 243:19 265:1 282:7 293:8, 11, 24 294:18 295:3 324:11 340:19, 25 346:7 Mall 1:14 2:4, 11 8:10 Maloney 285:2 315:22 manage 67:16 70:1 151:22 152:18 153:21 168:15 215:11, 18 227:14, 16 228:13, 15, 16 244:7 273:20 287:19 291:12 305:15, 16 309:24 314:7 319:1 342:1 managed 62:12, 23 63:11 64:3 65:7 66:16 73:11 75:4 93:13 146:17 308:22 342:14 management 66:20 72:9, 11, 21, 22 73:8 134:19 148:14 151:24 157:6 158:1 208:21 234:7, 8 245:11 290:20 292:20 305:24 313:7 333:23 353:3 manager 130:1 167:10 168:10, 12
--	---	--	---

169:15, 16 198:10 199:2 262:10, 17, 20, 21 263:1, 2, 4, 5, 17 264:1, 2 324:5 325:1 managers 47:15 169:5 177:18 178:22 manages 49:13 64:1 214:10 226:19 managing 66:4 215:10 309:1 313:8 manipulate 314:6, 7 manner 15:16 67:16 manufacturers 106:13 Map 5:5, 11, 13 180:15 186:25 193:14 203:1, 11 219:18, 23 221:22 222:22 223:10, 22 283:20 284:1 288:18 289:4, 10 370:24 maps 125:14 March 20:15 margin 61:25 71:16 74:21 217:23 218:7, 12, 19 340:20, 25 341:9, 12 Mark 43:23 Marked 4:1 5:1 6:1 7:1 8:3 22:13 26:17 42:8, 13 123:9 332:18 360:12 362:16 market 73:20 309:19 markets 309:18 markings 221:24	marriage 106:15 281:16 marries 220:9 masters 333:21 match 338:10, 23 339:20, 24 346:11 matches 92:22 93:4 matching 342:20 math 350:25 351:23 matriculated 261:19 MATTER 1:4, 7 8:16 12:10 25:7 30:1 40:14 61:6 125:17 224:4 289:20 314:16 matters 51:25 53:16 59:6 73:1 115:12 116:2, 5 118:8 119:22 120:3, 5, 8 max 219:11 maximize 303:2 maximized 265:2 maximizing 142:9, 12 maximum 210:4 267:7 305:12 310:9 McConaughy 56:10 63:9 71:4 89:8 93:8 111:23 113:22 131:20 139:9 144:14 145:1, 25 146:15 147:16 148:20 149:7 203:13 204:16 205:18 206:20 207:4, 23 208:4, 5 211:8 214:4, 6, 15 216:11 219:5 226:22 227:19, 21 228:16, 17 231:21	232:4, 8, 13, 25 233:23 246:12 263:7 266:17 268:5 284:15, 22 285:4, 5 289:8 303:19 313:9, 25 314:2, 14, 25 315:14, 21 316:5, 12 349:5 McConaughy's 294:9 McCormick 6:5 mean 39:12 65:4 83:11 84:12 87:24 88:2 89:3 107:7 122:21 128:11 137:13 139:3 140:3 147:7 152:6 165:15 166:24 169:13 194:3 210:17 227:2 253:25 254:12, 14, 16 258:12 268:12 272:21 278:5 281:10 284:7 314:2 335:1 345:18 351:7 354:20 356:2 358:19 373:24 374:9 376:3 meaning 50:21 160:16 means 8:23 31:5, 19 48:15 193:20 213:14 221:16 273:5 350:25 meant 148:10 200:13 296:17 330:8 352:17 mechanics 217:6 mechanism 301:20 344:6 347:4 media 331:18	meet 210:20 214:20 215:25 216:2 245:4 339:13 Meeting 4:5 6:9 7:6 29:21 46:14 78:19 79:2 86:4 88:16 91:12, 13 130:21 158:24 159:7 177:14 185:4, 7 216:3 268:11 330:7, 23 331:1, 20, 23 332:7 meetings 15:1 28:13, 23, 25 91:15 163:21 185:2 329:9, 17 megawatts 219:11 294:3 296:5 298:3 299:14 300:18 336:18, 23 337:5, 7, 9 364:25 member 11:15 12:9, 15, 19, 20 13:4, 16, 22 14:3, 9, 23 15:21 16:7, 13, 14, 15, 18, 24, 25 17:1, 7, 13, 16 18:2, 16 19:11, 17 22:20, 22 23:2, 10, 18 29:11, 17 30:5, 14, 25 31:15 32:4 33:21 35:7 46:13, 21 80:22, 24 82:10 83:15, 23 92:4 96:14 97:21, 23 98:7, 18, 21, 24 99:18 100:1, 13, 24 101:5, 7, 10, 14 103:17, 19 104:2, 19 105:9, 17, 25 106:19 107:11, 17 108:4, 18 110:13, 17 111:14 112:11, 18 114:17, 24
--	--	---	--

<p>116:8, 15, 20, 24 166:5, 18, 20, 22 167:13, 21 168:5, 14, 20, 25 169:4, 12, 18, 25 170:7, 15 171:1, 7, 12, 21, 24 172:12, 23 173:9, 11, 19 174:3, 5, 7 175:15, 21 177:3, 11, 16, 22 178:3, 18 179:5, 8 180:8, 13, 20 181:13, 19, 23 182:3, 9, 16, 22 183:5, 11, 16, 22 184:4, 7 190:13 192:7, 15, 21 193:2, 9, 13, 19, 23 194:7, 15, 19, 23 195:10, 15 207:18 208:7, 16, 19 213:7, 9 214:1 215:7, 15 216:12 217:5, 21 218:3, 15, 24 219:6, 8, 10, 15, 17 220:1, 7 226:12, 15 227:13, 17, 25 228:4, 9, 12, 21, 24 229:3, 6, 9, 14, 16 230:3, 6, 12, 17 253:21 254:9, 19 256:17 257:2 274:15 278:17, 20 285:21 286:5, 8, 10, 13 287:5, 12 288:1, 25 291:21 292:4, 8 293:7 295:1 304:5, 23 308:19 310:18 313:4, 19 316:20 321:3 336:13, 21 337:13 339:22 340:4, 8, 15, 24 342:7 345:17 346:9, 14, 19 347:2, 7, 10, 17</p>	<p>348:7, 10, 11, 14, 16, 24 349:2, 8, 12 350:7, 11, 16, 21, 24 351:2, 6, 10, 24 352:1 362:1 371:14 374:18, 24 375:4, 7, 12, 16, 25 376:4, 7, 22, 25 377:7, 11, 17, 21, 24 MEMBERS 1:17 13:10, 15 14:14 17:23 18:9 19:7 23:15 29:7, 10 33:8, 9, 16 34:23 35:3, 9 44:16, 21, 24 46:17, 23 47:15 66:12, 13 75:18, 20, 22 95:16 96:18 99:4 100:8, 9, 10, 15 101:18 102:9 108:24 117:11, 16, 19 118:17 121:15 127:12 128:16 133:12 135:24 159:11 173:25 175:5 182:4 184:10 186:22 190:16, 17, 18 192:14 194:20, 21 268:20 287:3 358:19 366:2 369:1, 7 membership 186:25 369:6 Memo 4:2 25:14, 19 26:2, 12, 16, 17 27:5 31:3, 10, 17 32:3 memory 16:16 95:8 mention 48:3 110:9 266:1, 6 mentioned 76:16, 19 81:7 93:6</p>	<p>101:22 145:24 147:5 179:15 181:21 192:16 214:2, 4, 20 226:16 229:12, 17 232:5 248:8 311:12, 16 merge 10:4 326:10 merged 66:11 140:9 141:24 193:24 310:2 375:21 Merger 5:2 7:2 9:18, 22 10:16 49:17 57:15 61:8 62:3, 4 70:15, 21, 23 72:15 75:16, 19, 23 76:2, 3 84:19, 23 122:7 126:5, 14 131:2, 15 146:7, 9 152:24 157:9, 20 164:5 166:11, 12, 23 167:15 170:12 185:12 186:3, 4 187:2 193:4 194:11 287:9 292:9 300:10 311:18 316:25 318:21 320:14 324:24 333:4 338:2 353:16 365:17 mergers 166:20 167:12 merging 47:10 167:3 177:4, 6 292:10, 11, 16 merit 10:25 merits 11:2 12:2 met 91:16, 17 143:16 158:9 278:7, 8 279:7 329:7</p>	<p>meter 217:11, 13 218:4, 9, 12 metered 199:7 217:6, 22 218:4 metering 217:7 meters 218:13 302:6 method 200:20, 22 281:4 296:6 346:24 364:20 methodology 365:11 methods 263:22 334:8 Michael 2:15 michael.degan@ku takrock.com 2:17 micromanaged 161:16 microphone 204:10, 12 mid 273:23 344:1 middle 35:15 207:10 247:14 284:2 291:25 342:10 378:11 midnight 304:10 migrate 334:9 Mike 34:15 61:5 million 51:7, 9 61:24 71:8 72:13 73:14 74:14 218:17 284:14 324:14 337:16, 18, 20, 22 338:6 339:23, 24 340:2, 5, 6, 11, 14, 18 341:4, 25 millions 48:25 mind 9:4 14:18 23:13 56:13 83:25 102:10 157:22 323:3 Minden 268:5 minds 87:20</p>
---	--	---	--

<p>113:6 139:6 mine's 362:20 minimize 310:15 minimum 210:7 212:15 277:24 278:1 minor 235:7 minority 68:20 minus 356:8 minute 212:1 296:15 Minutes 6:9 46:1 165:22, 25 259:17, 19, 23 328:18 357:25 378:1, 5 minutia 326:22 mirror 40:22 miscellaneous 272:17 297:1 misconception 94:1 misread 119:12 missing 157:22 mission 51:22 52:17 129:15 264:3, 12, 14 266:24 267:21 268:6, 9, 13, 15 274:24 286:25 356:1, 7 misstatement 78:10 mistake 50:1 51:6 54:17 misunderstood 374:13 mitigate 280:23 mix 335:11 346:11 mixing 342:20 mode 314:18 model 59:15 360:16 361:6, 17 363:12 364:16 372:3 373:3, 10 modeling 75:10</p>	<p>modifications 209:23 modified 213:1 modify 37:6, 8 337:8 349:23 367:14 modifying 339:12 Moen 1:20 29:7 110:13, 17 111:14 112:8, 11, 18 114:17, 24 207:18 226:12, 15 227:13, 25 228:4, 9, 12, 21, 24 229:3, 6, 9, 14 285:21 286:5, 8 moisten 60:7 moistening 60:20 moment 32:8 33:5 50:2, 7 88:23 121:7 124:14 142:2 190:15 209:1 237:25 266:1 302:16 321:14 357:20 money 235:13 285:22 296:1, 7, 8 306:6, 23 341:17 342:21 monies 141:20 286:19 month 86:5 months 33:13 57:12 69:4, 10 149:25 150:8 315:1, 7, 12 316:9 353:23 morning 29:18 46:24 61:4 80:5, 6 106:4 378:24 Mother 146:11 147:19 motion 28:14 motto 355:9 mound 88:10 139:11 222:12, 13,</p>	<p>14, 16, 20 223:8 224:18 235:2, 12 281:25 282:10 285:15 289:15 290:19 mountain 290:2 mountains 84:5 303:25 move 36:24 46:9 84:10 130:6, 13, 16, 19 139:20 177:10 178:17 179:1 246:1 249:5 252:18 307:13 322:14, 24 327:2, 11, 19, 21 329:20 347:14 moved 213:23 250:25 341:7 moves 365:17 moving 15:2 68:21 84:1, 2 131:8, 9 309:25 319:24 322:22 Muhlbach 3:13 multi-beneficial 264:21 multiple 148:21 214:14 266:9 303:1 multitudes 282:8 municipal 373:21 376:20 municipalities 373:17 < N > name 8:15 46:25 53:18 61:5 77:9 79:20 197:3, 20 260:17, 19 332:12 named 18:18, 24 60:15 narrowed 374:20 native 74:5</p>	<p>natural 18:18 21:3 199:3 217:20 250:10 252:6 331:12, 13 343:25 nature 10:14 49:19 146:11 147:19 NDA 184:22, 23, 25 185:7, 12 NE 2:5, 12, 17 near 80:15 112:6 225:8 285:1 343:25 nearly 53:22 71:8 72:12 239:13 302:14 315:1 316:10 Neb 23:25 24:5, 13 25:20 27:15 NEBRASKA 1:1, 2, 4, 14 2:1, 8 8:9, 10, 12, 13 9:10, 13 12:6 14:13 16:7 34:7, 13 47:6, 18 48:5, 21 49:24 52:7 55:25 59:2 60:13, 22 76:20 82:5, 21 85:15 131:21 140:4 165:4 166:15, 17 167:5 197:22 200:23 217:20 222:21 239:10 249:20 260:21 261:7 264:9 265:3, 10 267:17 275:10 278:25 280:21 286:18 291:5, 19 298:7 344:1 Nebraska-Lincoln 261:23 Nebraskans 49:7 51:3, 18 266:3 Nebraska's 266:11</p>
--	--	---	---

<p>necessarily 11:18 18:13 77:21 105:13 166:23 237:14 necessary 10:16 13:24 20:12 37:6 38:7 47:19 need 18:11 21:21 29:17 33:19 42:9 45:4, 5 53:2 62:3 69:11, 13 75:2, 12 95:2 102:9 129:19 139:19, 20 140:7 143:23 149:13, 25 156:4 190:8, 10 211:11 217:25 324:22, 23 325:10 328:20 345:5 350:17 357:23, 24 358:1, 8 needed 86:14, 20 122:25 126:6, 9, 19, 21 127:5 148:9 156:9, 10 163:23 247:2 277:3 324:1 325:2, 7, 17 needs 31:24 48:20 50:25 51:17 64:21 107:24 112:24 143:8, 15 151:3 278:8 339:13 NEG 74:8 76:19 negative 309:19 negotiate 73:20 negotiated 126:4 negotiating 324:24 negotiation 57:14 59:14 negotiations 94:11 161:2, 6 neighborhood 294:24 317:19</p>	<p>neighboring 331:15 neighbors 50:11 85:7 317:8 Neither 22:9 270:6 338:4 Nelson 3:18 net 71:17 361:21 363:14 never 20:4, 12 142:15 157:9 160:5 253:16 nevertheless 11:23 57:21 new 26:9 37:9 53:14, 15, 16, 17, 20 54:5 60:24 88:18 92:17 133:6, 11 135:14 163:12, 19 169:16 193:25 258:6 276:24 288:8 293:20 294:8 311:6, 19 341:21 350:14 352:23 354:12 357:4, 10 371:12 372:2 373:3, 25 378:9 newly 37:2 373:25 News 6:12 287:25 newspaper 183:20 nice 284:20 373:12 nicer 299:14 night 107:4, 18 nine 94:2 96:23 97:4 100:17, 20 181:20, 24 182:21, 23, 24 270:10 350:25 no 15:12 20:16 26:22 28:13, 20 33:21, 24 40:2 42:16 45:7 50:1 51:6 54:17 55:21</p>	<p>56:7 57:11 58:15 62:3 65:16, 22 66:21 67:19, 20 69:11 70:18, 20, 25 71:9, 20 72:20, 21 74:13, 24 78:14, 21 86:22 92:19 93:18, 23 95:5 96:13, 14 99:20 105:25 111:6 112:16, 21 114:20, 23 115:2 116:15 121:22 131:22 135:20, 22 137:3, 7 138:7 140:25 141:19 142:17 146:21 148:8, 12 150:12, 19 157:25 161:6, 9, 17 164:5, 17, 21 165:20, 21, 23, 25 166:1 170:10, 12 175:8 176:3, 14 178:7, 20, 22, 25 182:12, 13, 14, 24, 25 183:2, 15 192:1 195:4 197:9 198:25 215:7 226:7 227:15 231:19 235:2, 17 240:18 242:23 252:24 257:2, 10 258:22, 23 259:3 262:2 265:21 281:12 282:17 285:22, 24 288:9 289:15, 18 290:14 297:13 301:1 307:22 308:15 310:21 314:15 316:10, 11 318:12, 23 322:14 326:12 328:1, 10 337:21 338:2, 25 343:16 348:8 354:2 357:6, 12,</p>	<p>16 360:15 365:7, 20 370:14 377:19 378:12 nodding 174:12 nomenclature 372:15 nomination 13:18, 21 20:3, 16, 22 NonDisclosure 159:20, 21 160:3 185:1 nonnegotiable 88:1, 2, 3 326:3 nonnegotiables 87:18 nonprofit 9:23 nonstarter 87:17 nonunion 347:21, 25 normally 163:5 Norris 60:2, 10, 20 264:24 266:2 North 111:22 139:13 150:25 214:25 215:4 216:19 225:9 226:24 285:2 315:8, 21, 24 316:7 349:1 373:15, 16, 19 375:10 377:9 northeast 166:17 northern 167:11 no's 183:4 note 8:25 12:15 29:6 62:21 71:20 76:15 104:15 177:7 195:22 204:10 280:4 337:14 363:10 notebooks 101:18 102:13 Noted 17:11, 12 57:11 61:5 371:13</p>
--	--	---	---

<p>notes 99:19 192:13 336:15 notice 249:8 255:13 256:11 257:5, 10 347:18 noticed 179:10 notification 248:4 253:6 notified 45:8 notify 45:6 noting 58:12 196:22 371:9 November 81:5 191:22 315:3 318:14 319:8 NPPD 103:22 104:10, 11, 13 144:5, 17 218:25 234:8 244:12 298:16, 22 300:23 309:23 310:15 313:12 344:7 NPPD's 233:23 285:1 NRD 75:22 78:12, 13, 19, 21 79:3 279:17 281:18, 21 NRDs 83:20 91:16 280:21 331:11 NREA 14:8 15:6 16:13 17:2 NTV 6:12 nuisance 267:23 number 26:13 56:15 91:22 97:24 121:10 221:22 233:12 266:12 329:17 331:7 332:18 336:18 337:23 338:9, 22 341:16 362:5 368:18, 23 369:3 370:6, 10</p>	<p>numbers 96:5 310:4 337:4 338:15 340:7 362:4 364:13 < O > object 26:20 29:14 40:3 55:1 97:11 154:24 190:4 objected 22:9 343:9 347:22 objecting 123:3 173:4 367:22 objection 11:6 22:14 26:22 42:16 99:1 189:6 367:7, 18 objections 25:5 39:10, 14 40:2 122:6 obligated 63:12 143:13, 22 242:3, 23 244:18 obligation 24:21 26:1, 5, 10, 15 52:2 242:10 264:6 279:18 308:14 346:5 obligations 135:4 150:22 245:4 258:17 344:20 346:22 obvious 306:3 obviously 18:25 78:8 80:22 171:15 173:12 occasions 57:12 occupation 80:8 occurred 99:6 185:4 314:24 318:17 occurring 315:4 occurs 242:2 316:1</p>	<p>o'clock 44:19 304:12 339:16 October 315:2 353:12 oddly 267:13 off 32:7 68:14 93:1 106:9, 12 107:9 108:16 150:18 152:25 166:14 217:21, 22 218:6 226:4 256:23 296:4 298:10 309:12 310:4, 8 311:21 316:10 336:18, 23 346:3 362:10 offer 21:23 22:2, 5 26:17 43:6 Offered 4:1 5:1 6:1 7:1 102:1 offering 39:3 Office 8:9 30:12 81:9, 10 181:20 OFFICER 1:13 8:5, 16 12:14 13:6 14:11 15:19, 23 16:3, 12, 20 17:4, 10, 15, 21 18:23 19:14, 19 20:1 21:7, 11, 16 22:21, 25 23:4, 11, 20 26:23 27:4 30:10, 16, 21, 23 31:6, 20 32:6, 10 33:4, 15, 23 34:18 35:7, 23 36:11 37:15, 23 38:23 39:21, 25 40:6, 10, 15, 23 41:5, 9, 12, 16, 20, 24 42:5 43:11, 16, 21, 25 44:6, 13 45:18 46:11, 16 76:14 77:3, 11, 14, 23 79:5, 9, 13, 19, 25 88:22, 25 89:13,</p>	<p>17, 23 90:1 92:2 94:14, 20 95:4, 7, 12, 21 96:1, 10 97:15 98:9, 13 101:17 102:5, 8, 12, 18 103:2, 6, 10 108:22 110:3 112:2, 7, 22 113:9, 13, 18, 25 114:8, 15, 25 116:13, 18 118:1, 7, 11 119:2, 8, 11 124:13, 25 125:3, 11, 16 131:24 147:4, 21 148:1, 5, 8 154:2 155:3, 9 166:19 167:14, 22, 25 168:3 172:4 173:17, 20 174:9 175:3, 11, 14, 17 181:8 184:9, 14 185:21 186:6 188:8, 12 190:14, 21 192:3, 6, 11 193:16 195:25 196:5, 8, 12, 16 197:6, 9, 11, 16, 19 199:16, 19, 24 200:3 202:25 203:5, 8, 18, 21, 25 204:3, 9, 21 205:11 206:6, 22, 25 207:5 211:25 212:6, 14, 22, 25 213:5 216:18, 21 217:2 218:21 220:21 221:5, 8, 13 223:9, 14, 16, 20, 25 224:2, 8, 12, 15 226:9 227:2, 6, 9, 11 253:1, 9, 12, 17 255:8 256:7, 15, 25 257:4, 16, 20 258:25 259:8, 12, 15, 18, 22 260:3, 8, 16, 22</p>
--	---	---	--

272:20, 23 274:7, 12, 17 275:16, 19, 24 276:5, 9, 12, 15, 19 277:6, 10, 13, 16, 19, 24 278:3, 11 282:12, 15, 21 283:9, 12, 15 285:19 288:20 289:9 296:9, 12, 16 299:19, 23 300:2, 5, 11 308:4, 8, 13, 17 311:11, 15 312:5, 17, 23 313:3 321:6, 10 328:7, 9, 14, 19 332:10, 15 334:23 336:7, 10 357:19, 22 358:13, 24 360:3 361:14, 20 362:9, 13, 18, 20, 23 363:2, 8 364:1 369:8, 12, 19 371:15, 20, 25 372:5, 9, 13 373:23 374:3, 8, 12, 15 376:2, 5, 9, 13, 23 377:25 378:8, 14 officers 272:3 offices 81:16 official 29:25 102:4, 15, 17 off-season 69:10 280:9 304:2 off-seasons 144:8 offset 74:19 142:4 offsets 279:6 284:17, 18 offshoot 225:25 off-the-record 32:9 362:12 Ogallala 231:6 Oh 39:17 42:24 69:19 77:11 103:14 110:12 163:12 183:5	195:11 226:14 227:10 235:2 237:12 240:4 243:16 321:10 326:6 348:7 Okay 15:18 16:21 17:4, 10, 11 19:11, 17 21:11 23:10 26:23 32:4 33:12, 23 37:22 38:23 39:19, 25 40:10, 23 41:16, 25 43:21 44:5 46:16 65:17 77:3, 14, 22, 23 79:5, 9, 19, 25 88:22 89:23 90:1 96:1, 10, 13, 21 98:13, 14 101:5, 14 102:5 104:1 105:17 108:18 110:6 112:7, 11 113:9, 25 114:8, 15, 16, 24 115:2 116:24 119:2 120:19, 22 124:5, 25 125:11 127:13 132:10, 14 133:3, 19, 23 134:5, 10 135:14 136:1, 8, 19, 25 137:3, 22 140:11 141:13 143:21 144:1, 9 145:5, 15, 20 147:3 148:5, 23 149:19, 23, 24 150:6 151:1, 23 152:18 153:14, 19, 20 154:10, 16 155:9, 20 157:7 158:11, 17 159:3, 9 160:24 161:7 162:9, 12, 18, 19 163:1, 11, 14, 18 164:6, 18 165:12, 15 166:1, 18	167:13, 21 171:1, 11 172:23 173:8 174:3, 11, 13 175:11, 12, 17 179:5 181:13 182:22 183:6 184:4, 15 186:5 188:12 190:21 193:2 194:4, 7 195:15, 16, 25 196:5, 7 197:11, 16 199:24 201:13 203:7, 10, 12 204:4, 15, 24 205:14 206:25 207:5 208:16 212:22 213:7, 20 214:1, 18 218:15 219:7, 15 220:7 221:5 223:14, 25 224:5, 16 227:17 228:9, 21 229:9, 14 230:3, 6, 9, 17, 18 231:4, 8, 20, 24 232:2, 15, 21 233:1, 17, 20 234:6, 11, 14, 17, 22 235:24 236:4, 14, 22 237:2, 16 238:4, 11 239:1, 19, 24 240:7 241:13, 20 242:19, 22 243:5, 8, 11, 24 244:4 245:2 246:13 247:5, 7, 23 248:7, 22, 25 249:6, 10, 18, 19 250:19 251:3, 8 252:23 253:20 255:9, 21 256:7, 15, 16 257:16, 17, 20 258:25 259:3 260:16 262:8 268:21 271:14, 17 272:22 274:17 275:24 278:3, 4, 8	282:21 283:7, 15 286:5, 8 288:1 296:17, 18 300:6, 14 308:17, 18 313:3 318:1 321:11 328:8, 14 332:15 336:7 337:13 340:8 348:10, 24 349:2, 8 350:7, 11 351:24 352:1 358:13 360:18, 23, 25 361:7, 11 362:23 363:4, 7, 20 364:4 366:6 369:13, 22 371:25 372:13 374:16 376:23 377:24 378:8, 14 old 341:23 oldest 216:16 Olson 7:2 Omaha 2:16, 17 142:18 omitted 334:19 once 9:3 37:9 54:23 249:2 329:6 339:3 344:17 349:10 365:7 one-on-one 329:9 ones 64:2 82:20 192:9 236:12 294:8 310:6 335:8 one's 125:12 ongoing 10:24 on-hundredths 240:14 online 60:4 open 14:18 28:13, 23, 25 44:21 54:2 84:7, 15, 16, 22 86:5 87:21 91:14, 18, 21 129:5 134:12 259:13
--	---	---	---

288:12 329:11 378:17 opened 163:9 OPENING 3:5 32:16 45:21 46:7 61:15 78:9 93:11 96:3 99:21 179:9, 12 218:16 336:17 operate 51:10, 23 176:7 281:21, 22 316:4 342:4 344:8 345:16 354:17 operated 62:24 74:22 203:17 operates 34:25 285:12 operating 24:12 28:11 34:21 61:22, 25 142:4 289:16 operational 177:24 178:5, 21 operations 49:22 50:14 52:24 55:19 72:11 169:10 176:21 178:23 314:23 operators 49:11 opine 156:4 Opinion 5:12 6:15 59:2 71:22 78:9 82:22 83:5 94:17 97:12, 16, 17, 20 98:5 115:25 116:14 117:2 120:4, 9, 15 128:1 133:24 253:24 367:13 opinions 15:14 90:20 opponents 56:16 59:8 opportunities 54:12 56:8 84:6 176:12 264:18, 20	265:15 268:3 281:6 291:24 317:9 326:14 332:22 333:3 334:15 355:23 opportunity 11:19 19:23 50:9 54:5 84:17, 24 160:6 185:8, 19 319:5 oppose 54:24 Opposed 9:18, 22 50:5 54:21 76:2 89:18 90:17, 18, 22 96:3, 8 148:2, 3 247:2 286:3 308:3 312:10 opposing 8:19 25:6 45:23 56:2 102:19, 21 opposite 279:11 opposition 90:24 237:10 option 267:20 335:9 344:21 357:14 options 255:19 orange 221:21 222:11 orangish 224:9 230:25 371:2 orangish-looking 205:12 Order 4:3 21:17, 20, 24 22:4, 7, 11 23:9, 12, 21 24:7 25:9, 11 30:8, 20 61:25 63:13 69:6 123:13 134:24 349:14 organization 12:8 47:20 167:6 275:22 286:21 288:7 organizations 287:3 334:5 organized 50:6	oriented 373:24 374:4, 16 original 26:3 59:18 100:17 142:21 206:7 265:11 268:25 270:6 362:14 originally 80:13 other's 169:10 outages 314:23 outcome 321:1 327:23 outline 126:19 127:8 371:7 outlined 363:21 371:21 outlines 371:21 372:2 outreach 328:6 329:1 330:16 outset 326:22 outside 52:20 86:14, 17 140:22 156:9 185:15 324:22 overall 85:21 176:5 214:24 215:5 354:15 355:7 overlaid 371:6 overlapped 263:9 overlaps 50:21 220:9 overlook 44:7 overlying 224:25 oversaw 263:6 overwhelming 57:20 owe 139:2 owned 57:2 121:1 179:13 owner 240:13, 18, 20 247:15 251:20 owners 49:11 owner's 240:20 ownership 141:14	owning 24:12 28:11 owns 231:21 < P > p.m 174:22 175:1 259:25 260:1 359:5 360:1 378:25 Page 3:2, 5 117:2, 3 123:15 124:20, 24 127:6 128:8, 14 132:7 176:3 202:3, 5, 6, 8, 9 221:20 223:10 224:16, 22 225:5 226:2 227:3, 4, 5 228:12 282:18, 19 289:10 332:12 334:24 360:11, 12, 20, 22 361:2, 7, 13, 15, 19 362:18, 25 363:11 pages 43:6 123:24 172:7 paid 220:17 235:18 paragraph 240:9, 21 paragraphs 117:10 paralegal 25:16 34:20 parallel 16:5 226:16, 18 228:1, 7 parameters 53:5 61:20 325:24 paraphrase 93:15 Parker 39:7 40:21 parse 144:10 part 10:9, 16, 17, 24 11:1, 25 13:24 22:5, 17 27:1, 25 33:2 42:3 94:8
---	---	---	---

102:3 110:24 112:12 122:19 124:16 142:19 153:25 154:3 155:17 167:11 170:11 171:9 172:20 216:22 249:10 265:7 267:4 268:4 275:20 278:16, 25 279:1 285:3 286:24, 25 288:8 290:23 295:13, 19 298:11 307:12 334:12 335:24 338:6 353:11 371:11 377:15, 18 participant 288:5 participants 35:4 349:7 participate 8:24 19:6 117:13, 18, 22 participated 11:16 participates 294:16 participating 29:11 30:1 286:19 particular 65:24 155:11 238:8 345:23 particularly 82:20 220:19 parties 9:8, 11 21:17, 25 22:4, 15 25:6, 8, 13 26:19 27:5, 8, 21 28:2, 7, 12, 21 29:13, 16 31:12 32:15, 17 33:1 36:3 40:25 45:9, 19, 24 65:6 110:1 150:23 175:1 195:23 232:12 260:1	321:22 329:9 360:1 partner 291:14 293:5 336:2 partners 48:13 274:3 279:17 partnership 76:1 parts 295:12 298:12 306:11 311:21 324:1 party 17:24 22:9 35:16 138:25 196:6 pass 163:11 passed 78:20 163:10 195:22 passionate 54:23 pastors 49:12 path 47:16 126:8 129:8 131:5 226:16 228:1 pattern 308:25 pause 172:11 pay 56:6 113:24 235:4 242:23 255:21 272:14 281:19 307:19 321:22 345:7, 15, 21 346:3, 6, 8, 10, 17 347:4 payers 296:7 paying 234:19, 25 255:23 280:7 286:14 payments 240:21 pays 256:8 274:7 275:7 peace 35:10 peak 69:4 107:6, 20 293:20 335:5 336:18 337:1, 3 338:15, 19, 23 339:3, 15 peaks 93:1, 2 309:13 310:8 338:10	Peck 1:21 29:11, 17 33:19, 24 46:13, 17, 21 92:4 174:11 259:2 pending 16:10 people 9:4 48:20 49:9, 15 56:21, 22 60:12, 22 82:24 83:21 86:25 91:4 93:25 106:11 123:1 134:21 137:8, 13, 20 139:10, 12, 14 156:16, 21 161:14 183:17 193:21, 24 194:8 203:6 208:12 211:9 217:18 222:20 232:7 252:12 254:24 264:16 265:3, 14 267:9, 24 271:16 287:15, 17 294:2 329:17 355:4 358:3 373:20 people's 104:17 percent 24:9 28:4 57:13 62:1 66:3, 16 74:9 91:20 93:13 110:21 111:16 128:14 136:25 192:23 193:1 217:23 218:7, 11, 19 282:10 330:5 335:21 337:1, 3 338:10, 23 340:20, 25 341:9 percentage 136:19 192:18 perfect 93:15 perfectly 92:24 114:2 period 30:3 57:12 88:14 149:4 150:3, 20	239:16 240:15 243:6, 12 274:19 302:4, 11 339:11 340:17 periods 69:8 146:10 151:2 243:9 Perkins 287:24, 25 permanent 68:15 permission 46:8 202:22 person 18:22 29:8 164:10, 24, 25 232:23 375:8 personalities 122:23 persons 24:5 64:23 66:17 134:15 135:4 perspective 66:15 68:18 71:18 148:24 149:14 253:24 307:15 334:6 340:2 perspectives 179:21 pertaining 97:10 116:5 pertains 99:15 162:17 per-year 337:17 PETITION 1:5, 8 8:14, 20 10:3, 6, 8, 18 23:23 24:3, 7, 18, 23 27:9, 13, 24 28:10, 15 34:9 47:9 56:2 58:15 116:11 125:8, 13 130:23 365:24 366:15 367:11 368:12, 16 Petitioner 9:15 Petitioners 38:15 39:2 42:16 101:23
---	---	--	---

<p>Phase 4:6 5:13 39:18, 22 40:12 73:12 77:2 88:19 130:12, 13, 15, 16, 18, 19, 21 169:9 322:2 326:16, 18 327:2, 4, 6, 9, 10, 11, 19, 20, 22 329:2, 20, 21, 23 330:15, 17, 20, 23, 25 332:6 phases 88:19 322:1, 6, 23 330:18 Phelps 29:1 54:20 57:25 68:3 94:1 96:22 99:24 136:10 137:4 140:21 141:5 149:8 162:25 181:6 182:8, 10, 15, 18 195:2 205:6 237:8 238:8, 16 258:6 269:1, 3, 23 270:5 371:5 philosophy 342:10 phone 90:13 91:22 physical 223:17 Physically 228:4, 6 physics 261:22 pick 225:24 picks 204:13 pickups 87:10 picture 206:3 pie 154:7 214:22, 24 215:16 232:6 piece 138:19 154:1, 6 275:12 298:15 333:23 339:4 371:11 pieces 273:3 323:22 324:17 350:2</p>	<p>pipe 245:24 246:22 pipes 246:17 pipng 246:19 pivot 246:1, 24 pivots 48:16 245:17, 20, 21 246:3 place 20:8 51:19 150:16 187:2 219:6 291:18 344:19 347:4 350:9 378:4, 7, 13 placeholder 335:3 places 265:10 284:11 Plan 5:6, 13 36:9, 14, 22 37:18 59:23 60:14 70:4, 5, 18 123:8, 18 124:7, 17, 18, 21 126:14, 25 130:22 132:5, 18 133:25 154:5, 13 158:21, 24 173:23 187:15 188:15 193:6 234:1, 7, 12 303:13 304:1 318:2, 7 342:12 343:19 344:11, 12, 24 345:5 349:16, 24 350:14 352:5, 10, 17, 18 353:8, 10, 25 planned 22:4 planning 174:16 plans 54:15 plant 60:4 111:19 142:20 203:17 229:1 265:10 298:8 299:8 343:25 plants 110:22 111:18 112:6 114:13 295:17</p>	<p>297:17 plateau 289:22 Platte 36:6 37:3 47:11 49:5 60:5, 25 92:17 111:22, 24 127:18, 23 128:2 150:25 186:14, 16 187:16 188:18, 20 189:3, 20 190:1, 8, 18 191:1, 5, 7, 8 193:25 203:12 220:19 225:9 258:10, 21 275:11, 17 280:6, 17 281:18, 21 285:2 286:11 287:1, 23 288:19, 24 315:8, 14, 21, 24 316:7 349:1 353:2, 3 365:5 367:2 371:8 372:3 373:3, 15, 19, 25 375:10 377:9 Platte's 373:16 play 21:2 player 323:25 please 79:12 80:7 96:15 117:10 118:12, 14 143:17 197:3, 17 218:2 237:22 338:20 352:8 360:4, 11 pledge 344:14 plenty 75:5 293:1 306:5 plight 266:19 plus 100:20 146:22 150:25 333:14 POC 3:2 point 11:5, 7 13:7, 9, 25 14:4, 6, 13 16:8 19:16, 21 22:1 31:25 32:18</p>	<p>44:9 45:14 63:20 65:13 69:20 70:6 72:19 95:13 102:11 104:18 108:23 109:2 119:13 161:23 169:17 173:1, 22 176:2, 14 201:24 202:24 203:2 216:13 225:10 239:1 240:8 243:3, 16 251:19 280:25 311:23 322:13, 16 337:25 343:19 377:13 pointed 16:6 40:16 61:10 134:5 pointer 225:8 pointing 203:1 points 14:5, 24 61:9 76:15 82:15 195:20 322:12 poke 158:7 police 70:21 policies 176:19, 24 177:1 189:1, 18, 23 344:23 350:4 policy 334:10 341:4 350:2, 10 Pool 311:13 330:12 popularly 270:18 population 27:15 369:17 372:18 373:5, 21 374:7, 20 376:16 portion 10:23 13:1, 11, 14 20:15 74:5 236:18 245:9 295:23 portraying 202:17, 20 position 31:18 68:21 138:23</p>
---	--	---	---

182:25 183:3 198:4, 8 263:4, 5, 6 326:4 343:5 positions 28:21 38:17 119:18 198:23 262:23 possibility 55:22 85:9 86:6 possible 52:10 82:3 176:5 338:13 354:15 355:8, 12, 15 possibly 146:3 185:16 357:25 post 237:5 posted 91:23 pot 342:21 potent 287:20 potential 12:4 52:25 55:2 72:22 73:10, 13 84:19 126:13 127:10 146:7 159:17, 18 170:12 185:15 313:20 potentially 39:17 160:17 170:19 343:3, 10 345:24 pots 342:13 POWER 1:2, 5, 7 2:1, 8 5:8 8:12, 13 9:10, 13, 16 10:4 24:11, 21 25:22, 23, 25 26:7 28:15 34:7, 8, 13 36:5, 7 37:1, 3 40:12 43:1 46:23 47:6, 8, 11 48:20 49:20, 21 50:11 52:23 54:9 55:12, 14 60:25 63:17 65:20 73:19 74:5, 8, 13, 18 75:5 77:6, 8 84:20, 24 85:6 92:18, 22 93:9 106:23	111:2, 7, 10, 11 112:14 113:7, 8 114:22 127:11, 18, 24 128:4, 8 135:18 136:21 137:14, 21 141:25 142:9, 19 143:2, 6, 14, 23 152:22 155:25 156:18, 19, 20 160:17 162:9 166:21, 24 167:3, 9, 10, 15, 16, 17, 19 168:11, 13 176:7, 9, 23, 25 185:13 186:13, 14, 16 187:17 188:18 193:25 194:1 203:16, 17 236:12, 18 250:20 251:9 258:11, 21 263:13 264:7, 14, 17 281:16 294:17 297:17 298:4, 5, 6, 7, 22 299:3 300:8 301:1 302:21 311:13 317:15 329:15 330:2 333:15 340:2 353:2 354:16, 18 355:1, 9, 14 356:6, 9 360:13 365:5 366:16, 19, 22 367:2 368:4, 8 371:8 372:4 373:4 powerline 334:9 powerlines 345:14 powers 129:6 PPA 3:4 6:5 73:18 143:22 295:15 300:7 301:20 304:6, 8, 14 309:7 317:4 364:18	PPAs 143:13, 19 160:11 162:5 301:7 PPNID 374:1 practical 239:13 253:19 practically 67:9 70:25 72:3, 20 153:20 practice 99:2 PRB 9:12 PRB's 10:7 PRE 76:25 precinct 27:11 369:24 precious 49:13 precipitated 318:15 319:16 precipitation 200:17 preconference 30:8 45:20 predesignated 126:10 predevelopment 283:20 284:6 predicated 325:21 335:25 predicting 152:9 prediction 60:10 predominantly 163:2 200:23 201:16 207:13 preempt 118:22 preface 196:22 prefaced 333:13 Prehearing 4:3 21:15, 17, 24 22:3, 10 25:11 30:20 33:2 prejudiced 24:17 64:25 183:14 184:2 prejudicial 65:11 76:10	preliminaries 9:8 32:13 preliminary 21:14 premise 128:18 138:21 145:12 prepared 153:2 305:14 306:14 356:11 present 12:18, 25 31:4 36:20 100:9 101:24 110:1 117:17, 20 175:1 190:16 260:1 360:1 Presentation 4:3, 10, 12, 15 5:16 331:22 332:5, 11, 14, 19 338:7 presentations 53:24 presented 15:15 49:16 330:24 332:6 presently 16:9 36:22 president 80:21 81:8, 12, 13, 18 90:14 99:7 129:16, 23, 24 130:3 165:7 332:13 press 228:20 319:25 327:10 pressure 309:22 Presumably 55:21 150:5 presume 90:14 presumed 128:3 presumption 14:15 pretense 150:19 pretrial 36:2 pretty 91:3 140:4 152:19 243:22, 24 268:6 289:2
---	--	--	---

<p>345:20 prevailing 347:11 previously 8:17 46:25 101:25 181:21 price 147:13 304:11 310:23 prices 309:20, 21 pricing 74:1 161:11 162:2, 15 primarily 68:1 73:15 157:2 199:10, 13 263:15 primary 48:14 51:18 55:3, 7, 15, 18 61:10 64:18 66:22 132:11 176:4 297:10, 14 305:5 354:14, 22 356:4 prime 347:12 principal 236:10 principle 171:5 377:8 prior 11:20 12:5 13:19 29:14 32:23 105:5 157:9 158:20 163:9 243:14 247:19 248:3 253:6 295:16 prioritize 311:24 312:10 priority 112:24 113:6 233:19 311:20 privilege 47:5 privy 241:14 pro 212:17 probably 11:7 13:17 18:7, 14 97:7 111:21 136:23 138:10 140:16 142:11 163:12 167:1 215:3 218:20</p>	<p>236:21 245:21 246:6 248:14 267:9 275:8 287:22 289:6 302:12 306:4 309:7 310:9 313:14 322:9 333:10 360:17 373:20 376:8 problem 34:1 67:2 70:12, 22 149:16 151:1 157:24 265:16, 17 279:22 procedure 29:15 proceed 45:17 proceeding 8:24 10:13, 17 21:16, 22 27:17 29:24 92:8 Proceedings 1:12 8:1 10:15 11:13 13:14 45:23 110:2 175:2 260:2 360:2 process 11:25 15:3 18:25 19:3 20:16 52:12 91:8 155:17 311:5 319:21 322:1, 7, 8, 12, 16 337:25 338:11 348:3 353:21 processes 183:24 produce 49:1 60:7 160:19 301:23 produced 297:17 producer 80:9 212:13 producers 48:13 49:9 54:20 57:24 58:4 246:7 290:17 291:14 produces 113:7 301:23</p>	<p>producing 60:21 93:9 108:6 285:7 product 265:12 production 65:20 155:21 169:1, 20 170:3 203:16 236:19 263:7 professionals 86:25 324:3 profile 339:13 profit 218:7, 11 profitability 92:21 Program 275:11, 18, 19 276:25 278:16 280:6, 17 286:11 287:1 288:7 290:22 programs 276:1 prohibits 59:3 project 47:23 54:22 99:12 237:11, 13 287:23 288:3 341:21 projections 146:5 projects 236:8 307:16 promised 60:19 proportion 236:14, 17 proposal 311:6 353:13 proposed 10:9 27:13, 24 28:5, 10 50:3 54:7, 19, 24 57:15 58:9 70:23 84:23 87:16 117:17 118:4 154:18 322:4 368:19 proposition 71:3, 19, 20 prospective 117:20 118:4 prosperity 51:16 265:16 prosperous 47:17</p>	<p>protect 57:6 66:23 70:8 83:21 protected 173:3 175:24 protecting 70:11 protection 83:17 244:23 protections 69:20, 23, 25 70:3, 7, 10 protest 8:19 38:18 237:13 Protestant 172:1 PROTESTANTS 2:14 3:3, 15 8:18 9:21 11:11 25:3 34:17 38:8, 16 57:18, 24 58:9 61:6, 8 62:8 98:25 99:21 122:7, 14 161:9 166:8 171:16 178:19 protocol 165:9 proud 82:10 83:14 proven 209:6 275:10 provide 31:18 54:12 60:10, 11 63:3 81:21, 22 114:20 134:25 142:3 143:8 144:21 145:6 176:12 185:9 194:2 210:10 211:6 212:3 256:18 265:15 267:15 268:2 277:4 278:22 285:2 286:23 291:4 292:22 326:13 330:14 355:22 368:24 369:5 provided 52:7 56:4 75:11</p>
---	---	--	---

183:25 184:1 243:4 265:6 293:12 provides 205:9 240:25 282:1 285:12 292:12, 16 providing 51:15 206:20 236:24 264:16 267:7 281:6 284:16 285:9 provision 120:15 143:21 241:7 256:18 257:5 provisions 27:18 58:20 154:16 proximity 50:23 PRPPID 176:4, 10, 18 177:2 354:14 355:21 356:16 prudence 52:9 prudent 52:1 72:8, 11 322:18 PSA 323:2 PSE 4:6 72:17 73:12 74:2 76:25 77:4, 12 153:3 157:2 166:7 296:11, 12 320:19, 24 321:17 323:2, 25 325:25 326:9 327:5, 6 330:14 332:13 334:17 337:10 338:14 352:7 364:14 365:12 PSE's 333:1 364:8 365:7 PUBLIC 1:4, 7 2:1, 8 4:3, 10, 12, 15 8:13 9:13, 16 10:4 25:22, 23 34:7, 8, 13, 23 35:9, 10 36:7 37:3 45:3, 7, 10	47:6, 8, 11, 14 48:6 49:20 51:7 52:2, 3, 4, 12 53:19, 25 56:21, 22 57:2, 3 60:25 81:23 82:24 84:24 85:25 86:6 92:18 118:20, 21 119:4 127:18, 24 138:18 163:23 166:21, 24 167:3, 9, 10, 15, 16, 19 168:10, 13 174:16 179:14 185:13 186:14, 16 187:17 188:18 193:25 194:1 258:10, 21 264:7, 9, 14 294:17 298:7 318:12 319:13, 20 329:2, 3 330:16 331:20 332:8 353:2 355:1, 9 356:6 365:5 366:19 367:2 371:8 372:4 373:4 378:18 publicly 55:2 56:3 319:14 pull 180:15 279:12 pump 281:8 282:3 287:15 292:17, 18 pumped 89:6 pumper 286:3 288:12 pumpers 201:20 235:4 284:18 pumping 201:20 235:16 267:19 280:24, 25 281:3 282:6 pumps 217:8 punched 267:18	Purchase 43:2 143:2, 6 301:1 317:4 330:2 purchases 74:7 purple 206:1, 8 219:21 220:25 231:9 233:12 281:13 291:25 316:2 348:22 purply 280:11 282:16 purported 70:7 72:15 75:1 purpose 55:7, 8 62:25 66:22 76:22 81:20, 21 82:8 113:14 145:16 176:3, 4, 10 236:24 241:16 249:15 255:2 310:14 344:7 366:15 purposeful 272:18 purposes 8:18 9:9 10:25 66:4 127:16 135:6, 9 143:24 150:6 153:22 174:16 235:19 241:21 247:12 250:12 254:7 301:17 354:13, 14, 22 355:21 pursuant 23:25 24:12, 24 27:21 28:3, 7 43:2 94:15 143:2 144:20 252:5 pursuing 319:6 purview 350:3 push 288:6 pushing 315:1 put 9:1 10:20 11:4 20:3, 17 23:5 24:18 32:18 35:1 43:13 60:5	70:8, 9 73:24 76:18, 21 78:7 89:12 113:14 123:15 124:3 150:18 154:21 155:5 156:24 165:16 202:3 225:22 237:19 246:4 247:1 254:22 255:5 272:4 273:8, 18 274:4 275:13 280:8, 19 281:2, 6 291:18 306:8, 23 309:22 310:14 311:19 320:8 334:16 puts 246:10 315:21 putting 20:5 64:15 246:8, 9, 23 280:14, 22 281:11, 24 293:2 306:5 puzzling 252:2 < Q > QLG 336:24 qualified 330:14 qualify 297:22 298:14 quantifiable 210:19 quantities 282:8 quantity 145:7 213:2 233:24 234:5 242:3, 16 quarter 315:9 question 18:17 31:14 37:17 92:3 105:18 107:16, 22 108:21 110:18 111:12 112:12, 18 114:18 116:9 127:12, 14, 17 134:11, 13 136:23 143:11 154:24
---	--	---	--

155:5, 11 160:21 166:6 171:2 175:16, 18 177:17 200:14 210:15 213:8 218:2, 25 219:9 221:15 256:5 257:1 269:12 274:16 275:7 281:15 285:22 287:8, 14 303:9 304:6, 17 308:20 309:4 311:17 312:3 314:11, 14 316:19 336:14 340:9 341:1 343:13 348:1 357:3 364:12 368:5 374:19 376:8, 15 questioning 378:3 questions 17:17 75:15 91:4, 5, 6 98:20, 23 110:14 115:1 129:5, 7 131:23 158:6 166:2 168:6 173:12, 16 174:1, 20 175:6, 9 184:10, 15 192:2 200:7 226:8 252:25 258:24 259:1 273:5 285:17 297:25 323:23 324:20 348:13 352:5 358:20 quibble 244:3 quick 229:17 358:1 359:2 quickly 291:22 quite 32:13 105:6 152:7 170:8 232:19 quotes 198:16	< R > R-O-W-E 79:23 radio 183:21 rain 148:2 149:4 225:25 raise 11:7 35:15 38:15 254:18 309:15 346:2, 6 raised 75:24 85:10 122:7, 10, 13 196:24 ran 254:23 range 271:6 340:14 341:5 rata 212:17 rate 75:1, 2, 12 106:14 152:15 235:1 240:14, 19 347:12 ratepayers 63:21, 24 66:24 67:17, 18 139:2, 7 153:23 179:17 234:19 355:15 rates 59:7 94:3 99:8 108:17 294:20, 21 295:7 346:2, 6 ratios 365:14 REA 334:8 reach 268:4 276:3 reached 18:19 33:1 reaction 20:10 85:8 read 13:11 18:21 19:9 29:25 33:2 35:2, 22 115:21 117:8, 9, 24 118:14, 25 119:3 124:19 171:25 172:6, 8, 11, 14 173:6, 22 174:18 175:20 183:20 190:2 218:5	249:11 256:23 257:15 265:11 268:11 reading 118:9 119:14 171:20 203:6 320:4 reads 242:21 ready 35:19 39:1 45:17 78:2 108:2, 3 238:1 304:3 306:9, 12 339:20 353:23 real 147:17 229:17 343:10 reality 47:19 56:14 59:9, 10 94:5 realized 49:4 realizing 59:18 really 44:10 45:13 106:5 122:23 147:19 156:15 157:23 162:17 178:23 254:16, 25 255:1 262:7 264:4 266:14 267:22 272:17 273:22 274:20 279:3 287:20 290:18 291:22 293:23 295:17 297:6, 24 306:11 307:5 310:12 313:12, 16, 24 314:19 320:10 324:22 325:24 326:18 330:13, 21 338:22 339:12 352:19 357:13, 18 371:10, 12 373:12 reappropriate 253:4 reason 14:19 70:23 76:5 86:19 107:7 131:17 145:22 155:16	172:20 241:1 252:19 254:4, 21 258:20 335:6 345:16 reasonable 240:16 241:4, 6 reasons 10:11 12:11 76:11 90:21, 23 Rebecca 30:15, 17 REBUTTAL 3:20 recall 90:21 127:14 132:8 138:1 158:12 182:4 185:4 320:25 327:23 recap 26:16 receive 103:3 105:10 136:21 216:5 290:10, 13 298:10 received 53:25 90:13 102:2 160:10 161:12 261:23 receiving 104:6 162:4 214:3 recess 109:4, 5 174:21, 22 259:25 359:5 378:23 Recessed 378:25 recharge 54:11 55:22 56:4 58:2 81:23 82:17 88:11 99:12 176:11 220:13 267:21 272:16, 18, 21 273:7, 25 274:8 275:9, 14 281:20 282:2 285:9, 14, 23 286:24 291:5 294:25 297:1, 6 315:25 336:1 355:21
---	---	---	---

<p>rechargers 294:16 recharges 223:4 recharging 285:5 Reciprocal 3:3 42:15 recitals 171:8 Reclamation 275:23 recognition 68:6 recognize 36:6 37:5 59:9 238:1, 4 332:2 recognized 49:4 55:25 333:25 recognizes 203:15 recollection 16:23 96:2 159:15 328:1, 13 332:25 recommendation 211:1 326:10 reconvene 175:4 259:24 378:16, 24 reconvened 8:6 record 10:1, 21, 24 11:1, 4 17:11 21:25 22:6, 16, 18 26:24 27:2, 20 29:6 32:7, 11 41:18 42:1, 3, 12 43:14 44:1, 4 76:15, 18 77:25 78:7, 11 79:21 89:2 102:4, 10 109:3 110:4 119:14 148:10 186:7 203:2 260:4 311:12, 16 328:20 360:7 362:10 363:5 366:3 recording 13:13 29:24 recourse 70:18 Recovery 275:11, 17 286:11</p>	<p>recreation 56:8 82:1 267:8, 11 recreational 54:12 63:9 65:18 135:5 176:12 264:18 272:13 297:4 355:23 Recross 192:3, 10 195:24 recrosses 192:5 recusal 14:1, 2 recuse 11:12 12:13 15:22, 24 17:8 99:4, 14 100:3, 5 recusing 17:18 Red 106:5, 10 187:13 219:20 220:4, 23 221:9 364:9 371:7, 21 372:2 redacted 42:22 Redirect 3:9 184:14, 16, 18 257:19, 21, 23 reduce 63:3 279:16 reduced 302:23 304:2 reduces 201:20 247:4 294:5 reduction 373:8 redundant 230:24 refer 9:11 10:25 12:15 58:9 94:23 110:10 120:17, 23 123:4 128:20 186:20 220:12 223:15 225:9, 20 320:18 327:7 331:25 364:7 reference 58:11 77:2 89:6 184:21 185:2 222:13 225:19 363:4</p>	<p>referenced 40:18 279:2 references 36:16 78:8 referencing 37:18 137:17 referred 9:14, 17, 20, 23 73:13 115:15 124:18 188:14 205:5 206:15 223:8 267:23 270:1, 8 331:1 referring 10:2 115:17 119:18, 19 128:12 181:12 221:25 266:4 282:25 296:10 355:8 refers 184:23 222:18, 19 355:17, 25 reflect 49:19 50:3 53:20 310:25 332:25 364:24 reflects 55:24 72:20 300:20 338:22 refreshed 159:15 refused 160:9 regard 31:1 176:20, 24 178:10, 11 187:16 268:17 368:12, 15 regarding 10:17 24:23 25:20 26:4, 15 122:7 189:2, 19 269:7 regardless 25:4 region 50:15, 25 60:17 141:21 268:2 regions 371:7, 16, 22 373:22</p>	<p>registered 270:23 regrettably 44:11 regulating 272:12 339:9 regulations 176:19, 23 177:1 189:1, 18, 23 199:9 regulators 323:16 324:3 Regulatory 76:17 214:21 338:20 Reida 1:18 13:23 17:13, 16 18:16 19:11, 17, 24 29:10 30:5, 14, 25 31:15 32:4 33:19, 21 97:23 98:7 103:17, 19, 20 104:2, 19 105:9, 17, 25 106:19 107:11, 17 108:4, 18 168:5, 14, 20, 25 169:4, 12, 18, 25 170:7, 15 171:1, 7, 12, 21, 24 172:5, 12, 23 173:9, 18, 19 174:3 175:21 177:3, 11, 16, 22 178:3, 18 179:5 217:5, 21 218:3, 15, 24 219:6, 10, 15 304:5 336:13, 21 337:13 339:22 340:4, 8, 15, 24 341:2 342:7 345:17 346:9, 14, 19 347:2, 7, 10, 17 348:7, 10, 14 362:1 Reida's 110:18 364:12 reintroduce 33:20 reintroduced 11:3</p>
--	---	--	---

<p>reiterate 339:4 relate 210:14 related 116:2 135:12 185:12, 18 200:8 210:13 222:12 263:17 322:1 323:3 relation 19:4 239:14 242:11 relations 15:8 relationship 16:22 35:16 80:20 198:18 214:9 262:8 310:16 relationships 96:17 131:12, 19 relative 117:14 relatively 245:3 release 63:13 69:1, 11 114:11 148:15 161:17 232:18 233:6, 13, 15 234:9 244:18 303:11 320:1 327:10 released 65:8 93:8 107:25 113:22 204:18 205:17 206:19 217:1 226:21 227:23 228:19 314:25 349:4 releases 93:7 144:3, 22 150:16 241:9 303:17 releasing 69:5, 6 107:5 relevance 31:7 relevant 262:7 reliable 355:10 reliably 47:25 61:11 reliant 48:5 relied 73:7 relieved 240:20</p>	<p>relinquishing 127:4 Relying 52:18 remained 266:25 re-mark 44:1 REMBOLT 2:10 34:11 47:1 remember 33:8, 9, 17 43:22 127:12 157:13 193:15 219:22 315:19 339:8 341:17 342:11 348:22 remind 9:9 182:11 removed 373:22 removing 371:10 renamed 356:18 renewal 72:14 renumber 42:9 43:12, 13 reopen 357:17 repeat 218:1 repeating 267:11 repercussions 27:6 replace 13:23 294:1 341:24 replacement 18:17, 20 19:15 replacing 294:3 replenished 303:25 Report 4:6 6:8, 15 39:18, 23 40:7, 12 42:18 72:19 77:18, 19 153:2 264:10 348:3 352:7 reporter 9:1 44:24 197:2 300:14 362:15 reports 39:14 40:4 represent 53:19 83:2, 3 90:6 122:25 160:14, 18</p>	<p>161:14 162:13 221:23 370:3 representation 53:15 58:24 78:11, 17, 18 122:11 225:1 334:2 371:1, 12 375:20 representations 162:1 372:23 representative 38:13 78:12 162:24 163:24 representatives 53:8 78:22 326:5 331:8, 11 represented 99:23 161:11 195:1 202:13 321:24 373:12, 14 representing 34:6, 12 47:1, 3, 4 180:10 182:5 represents 33:17 230:15 Republican 199:3, 10, 18, 20 279:20 280:1, 2 request 11:12 12:12 108:23 requested 240:17 require 145:6, 9 165:4 367:13, 15 required 26:14 28:18 29:20 53:3 190:2, 25 191:1, 4 330:1 367:21 368:1, 3 requirement 27:12 244:25 276:16, 20 336:25 requirements 27:22 58:19 143:9 214:19 215:25 216:1, 2 273:13 276:2</p>	<p>279:5 323:20 330:1 requires 25:22 97:13 147:9 277:17 366:17 requiring 58:20, 22 research 25:19 271:5 reseat 163:22 resells 141:23 reserve 40:3 61:23 69:24 71:8 123:11 306:7 307:17 308:3 341:3 344:22 354:7 reserve-base 334:10 reserved 44:14 reserves 307:1 341:3, 6 344:19 reserving 39:10, 13 reservoir 65:8 71:4 231:24 232:1 287:23 349:5 reservoirs 48:24 49:1 56:10 108:12 120:25 148:19 150:4 225:1 272:13 303:11 339:10 reside 49:7 56:22 68:5 136:16 Residences 5:13 residential 153:23 residents 62:8, 17 64:23 376:19 residual 70:20 Resolution 6:11 78:14, 20 165:23, 25 resolutions</p>
---	---	---	---

130:24 353:12 resolved 54:3 resource 49:14, 15 50:13 213:13 287:19 291:13 295:11 308:23 309:16 323:10 331:12, 13 335:16 336:3 339:20 resources 18:18 21:3 51:16 75:4 146:17 199:3 217:20 244:8 250:10 252:6 263:23 265:2, 13 273:20 277:4 278:24 309:2, 24 310:6 330:6 342:2, 4 respect 34:9 39:10 69:23, 25 73:8 104:4 118:17 166:7 233:1 263:20 269:14 320:14 330:12 346:22 respectfully 12:12 respective 51:3 153:5 156:6 158:9 188:10 respects 302:14 respond 173:7 response 161:12 162:3 responses 160:10, 15 responsibility 210:9 212:2, 7, 8, 9 234:11 responsible 170:1, 2 198:17 rest 86:12 219:23 229:22 363:6 restart 174:15 restoration 286:22	restrict 114:11 restriction 338:20 restrictions 281:2 restrictive 132:24 result 66:1 280:14 297:24 347:24 resulted 50:5 54:17 results 97:10 327:10 330:23, 24 332:6 360:16 361:6 363:12 Resume 6:15 retail 65:22, 25 66:24 67:11, 20 72:23 74:23 135:18 141:23 153:17 155:25 157:10 176:9, 25 194:2 354:18 364:19 retain 155:16 retained 321:17 323:2 return 72:4 115:5 142:10, 13 225:20 280:14, 16 296:20 315:17 316:6 returned 92:7 290:1 344:14 returns 29:22 226:4 Rev 23:25 24:6, 13 25:21 27:15 Revenue 5:3 55:15 63:3 66:8 71:16 134:25 142:3 152:3 235:20 236:5, 10 271:22 272:4, 7, 9 296:23 297:10, 14, 16, 24 298:9, 12 300:20 301:3, 6, 21, 24 302:1, 9, 17	305:4, 5, 8, 10, 12, 20 306:2, 13, 22 308:9, 11 310:9 313:10 341:11 342:5 345:3 356:23 357:8 revenues 48:8 51:9 71:13 74:19 152:9 235:22 236:15, 17, 21, 24 314:20 reversible 17:20 18:13 REVIEW 1:2 5:8 8:12 9:10 28:16 36:5 37:1 46:23 76:23 162:9 172:25 186:13 327:6 366:17, 22 368:4, 8 Revised 6:5 RFP 73:25 160:11, 15 161:12 162:3 RFPs 317:7 Richard 9:19 rid 152:24 right 8:6, 23 13:3 16:20 20:14 21:12 23:3 31:15 32:12 40:3 41:13, 18, 23 43:15, 19 45:15, 19 46:10 52:5 60:17 73:17 74:18 93:4, 11 95:8 104:24 105:12 110:4 113:10, 18 119:23 121:10 124:1, 20 125:18 131:25 132:12, 17, 18 133:7 135:12 141:8, 11, 16 142:16 143:4, 5 146:11 147:25	149:16, 18 151:9, 20 152:17 158:14, 21 160:14 161:15 163:8 165:13, 23 166:3 180:18 181:14 183:6 184:5, 8, 10 188:9, 10 195:16 196:13 203:20 206:16, 23 212:4, 10 216:17, 25 217:14, 19 220:11 221:21, 25 224:6, 13 231:11, 25 232:3, 4 233:10, 14, 18, 19 234:20 235:21 240:24 242:17 243:1 249:2, 8 250:16, 21 251:17 254:4, 9, 12, 19 255:7 260:23 272:15 274:10 276:14 277:18 278:24 279:12 290:1 292:2, 9, 15 294:4, 9 295:14, 18 309:5, 19 313:21 314:1, 4 332:21 336:23, 24 341:8, 24 345:12 347:1, 17 348:17 350:25 352:2 355:4 358:14 359:2 362:14 363:3 372:14 373:20 rights 24:4 56:25 57:1 63:25 64:5, 22 89:10, 11 104:12 144:14 173:2 175:23, 24 209:9, 11 213:11 232:12, 15, 16, 18 233:22, 23 251:10 258:16
---	---	--	---

<p>rise 222:23 223:7 284:12 289:18 River 36:7 37:3 47:11 49:5 60:15, 25 92:18 127:18, 23 128:3 139:13, 15 186:14, 16 187:16 188:18, 20 189:3, 20 190:1, 8, 18 191:2, 5, 7, 8 193:25 201:11 204:20 205:20 215:1 225:11, 19, 20, 23 226:1, 4, 18, 24 228:3 258:10, 21 268:4 273:13, 15 275:11, 17 276:17 277:3, 5 280:17, 19 282:1 284:8 286:11 287:1 288:19, 24 290:1, 4 297:7 315:1, 23 316:11 353:2, 4 365:5 367:2 371:8 372:3 373:3 374:1 River's 60:5 road 157:24 Robison 3:16 ROCK 2:15 34:16 rolled 303:15 Room 1:13 8:9 29:9 44:14 204:11 Rotaries 330:18 rough 192:17 roughly 68:9 88:14 round 337:4 340:7 routinely 339:11 Rowe 3:9 79:12, 14, 15, 22 80:5 81:19 87:4, 16</p>	<p>90:5 92:10 93:10 95:3 103:17 110:8 115:5 117:1 122:3 123:4, 6 124:10 125:22 128:19 129:11 130:12 131:1 132:4 173:22 174:18 184:20 185:11 186:10, 20 188:14 190:23 191:11 196:13 208:9 Rowe's 201:2 208:17 rowing 170:23 rows 246:23 rule 373:24 374:1, 9, 16 Ruled 4:1 5:1 6:1 7:1 rules 126:10, 22 133:2 176:19, 23, 25 177:10 189:1, 18, 22 199:9 349:24 run 133:16 169:9 178:10, 11, 13 205:19 222:5, 8 275:20 285:8 running 228:11 runs 204:18 218:9, 13 246:23 Rural 12:6 15:13 16:7 24:9, 15 28:6 51:17 374:10, 11, 12, 16 376:19 rural-focused 373:9 376:12 < S > safe 267:9 301:8 sale 50:11 54:11 235:25 297:16</p>	<p>sales 92:22 360:14 sanctioned 275:22 sand 211:8 290:3 Sandhills 315:25 sands 290:1 sandy 245:23 Sara 25:15 34:20 sat 164:25 satisfaction 146:19 satisfy 151:3 save 147:15 saving 296:7, 8 307:1 341:17 savings 73:14 74:13, 15 245:22 294:5 296:4 330:11 333:8, 10, 12, 15, 17 337:20 338:2 363:23 364:6, 10, 13, 16, 21, 22, 23 365:15, 16 saw 50:9 265:16, 17 281:17 saying 9:2 87:24 93:12 108:8 112:23 125:1 137:19 150:11 250:9 257:9 280:6 288:9 289:14 says 143:22 205:8 225:20 233:12 239:7 241:4, 8 249:11, 21 250:6, 8, 13, 22 251:20 252:7, 9, 10, 22 266:9 280:18 327:9 334:25 336:25 342:16 344:12 345:6 352:22 360:22 361:22 364:9</p>	<p>scarcity 151:2 243:12 scattered 181:1 schedule 44:22 99:9 123:8 124:16, 19, 20 303:4 318:5, 10 321:9, 11, 13 327:7, 8 329:4 331:2 schedules 44:16 Schenken 3:14 5:6 39:8 40:21 school 80:14 261:18 Schwarz 3:18 science 276:24 278:23 scope 21:19 120:4 322:9 324:23 326:11 Scott 196:21 197:4, 12 S-C-O-T-T 197:5 season 149:2 239:12, 16 240:12 242:13 304:4 305:15 seasonable 148:25 seasonal 149:21 seasonally 303:13 seat 15:17 140:23 163:15, 19 165:17 182:13 278:22 seated 11:15 15:3 34:4 164:10 191:24 197:17 seats 68:7 99:22 second 18:16 24:2 27:8 49:13 58:5 105:18 110:24 112:12 117:9 127:22 158:2 195:7</p>
---	---	---	--

<p>229:13 249:10 290:11 340:9 secondary 176:10 355:20 356:2 Secondly 12:3 63:25 64:21 65:10 section 21:19 24:1, 6, 13, 24 25:10, 21 27:18, 22 28:3, 8, 19 117:5 188:15, 25 190:2 206:23 239:2, 4, 5 240:1, 10 243:2 247:8, 14 251:20 256:19 353:6 354:13 356:13, 14, 17 368:15 Sections 27:16 secure 131:13 security 45:6 357:24 358:2 359:3 see 23:12 33:24 58:3 71:18 83:24 84:8 86:16, 17, 18 87:14 114:3 117:5 167:1 195:11, 16 224:6 229:21 230:7 237:19 239:17 240:22 251:25 252:8 259:4 273:22 280:11 281:13 284:3, 10, 20 288:19 289:1, 2, 4, 5 301:25 303:14 306:22 308:25 309:18, 25 327:12, 16 328:18 332:12 344:10 363:23 364:12 371:10 373:10, 15 377:2</p>	<p>seeing 46:3 73:25 162:2 seen 23:14 125:22 253:16 255:4 295:6 366:11 370:22 seeps 220:14 273:9, 10 315:23 sees 252:21 segment 118:21 119:4, 5, 6 121:3 selected 81:5 selecting 376:22 selection 373:2 sell 73:19 141:19, 22, 25 142:8 295:14, 24 selling 295:14 sells 67:21 73:17 74:18 Senator 60:19 266:2 send 30:12 senior 216:25 217:3 233:19 sense 50:17 52:15 64:19 72:1 75:17 76:4, 5 86:9, 17 96:12 108:19 113:12 243:25 304:19, 21 311:9 321:22 322:14 326:19 338:17 345:9, 12 357:16 sensitivity 338:21 sent 97:25 sentence 117:25 118:15, 25 128:10 251:19 separate 22:19 27:3 41:13 42:4 57:11 228:5, 7 346:21 349:10 356:15</p>	<p>separately 10:6 342:17 separation 14:12 15:6 September 314:23 315:2 series 173:16 serious 70:11 seriously 38:9 52:2 serve 16:16 74:5 104:3, 21 143:23 241:17 264:16 323:11 served 81:1 138:7 227:18 377:16 serves 123:1 289:7 Service 4:20, 21, 23, 24 24:17 117:12, 16, 21 118:18 119:24 120:11 137:16 143:8 145:5, 21 183:12, 13, 25 194:3 198:18 205:10 209:8, 17, 25 212:11 231:1, 15 234:18 235:1, 7, 21 237:17 238:5, 9 239:3, 4 247:8, 25 251:2 252:13 255:24 276:1 293:12, 14, 15 298:20 300:24 307:23 313:12 344:4 355:5 services 168:16 198:9 212:13 265:7 servicing 121:9 213:12 295:17, 20 session 11:17 20:21 159:5, 6, 11,</p>	<p>19, 24 161:3 319:18 332:8 sessions 158:10 159:4, 25 Set 6:22, 23 22:11 23:13 27:15 46:5 72:12 94:3 107:23 126:3, 10, 21 129:7 132:4 171:14 240:21 265:22, 23 292:25 316:3 317:5 325:25 sets 25:11 27:7 67:17, 18 68:12 212:23 setting 59:6 73:9 325:6 326:3 seven 193:7 338:7 seven-ish 100:22 severe 151:11 shaking 33:24 shalt 345:7 shape 306:19 share 50:24 66:19 80:7 102:21 128:15, 16 160:25 shared 52:6 54:6 317:20 shares 268:8 shave 93:1 293:20 309:12 311:20 335:5 338:15 339:3 shaving 309:16 310:3 short 29:18 59:8 105:2 108:24 109:3 199:22 200:2 259:16 291:11 302:10 shortened 9:25 shortfalls 306:14</p>
---	---	--	--

<p>should 62:15 85:7, 24, 25 101:22 138:19, 20 152:5 156:12 163:5 171:16 172:2, 24 175:25 194:6 210:11 235:25 277:20 338:4 345:11 350:3 358:3 360:15 shouldn't 225:14 show 14:19 67:3 316:6 showed 343:16 364:21 showing 285:24 337:18 shown 223:21 226:22 shows 223:24 315:23 329:4 363:17 372:24 373:4 shrinks 215:20 shut 106:9, 12 150:19 side 136:24 139:13, 15 156:8 203:13 214:25 215:4 226:24 263:13, 18 281:25 293:17 323:9 333:5 343:7 346:1, 5 sideline 113:17 sides 15:4 57:25 70:2 sign 106:6 159:19 160:2 signed 185:3 248:25 251:4, 5, 9 275:8 300:8 significance 31:7, 23</p>	<p>significant 50:1, 6 67:2 221:17 305:9 310:23 318:20 343:1 similar 34:25 58:19 94:10 229:21 302:12, 14 313:5 similarly 49:25 simple 349:21 350:9 simply 19:5 66:7 70:19 71:25 72:19 74:22 single 39:6 375:2 siphon 341:21 sir 103:18 110:11 131:4 296:24 297:12 318:6 327:13, 17 332:4 352:9 357:3 367:12 368:5 370:2 372:12 sit 12:19 64:20 108:10 135:23 141:7 292:21 352:23 354:11 sits 180:1 350:1 sitting 108:3 130:11 190:11 situation 146:8 149:12 situations 69:9 six 25:12 49:7 81:18 97:7 100:19 120:2, 4 121:8, 12, 14, 22 180:18 338:4, 7 351:3, 5 353:22 371:4 372:25 Sixth 28:12 sixth-generation 49:8</p>	<p>six-year 81:4 163:13 164:1, 14 180:4 size 131:17 133:18 skeptical 51:5 skip 352:6 356:13 slash 240:15 slide 202:3 246:22 332:19, 25 334:16, 24 336:14 340:9 348:21 360:21 361:5 slight 209:22 slightly 225:19 slot 270:25 small 24:14 56:15 140:4 206:16 235:7 261:6, 16 263:8 298:15 smaller 214:24 376:16 smart 266:13 smile 82:19 snap-your-fingers- and-everything's 353:20 snowballed 317:23 soil 60:7, 21 soils 245:23 solace 173:4 solar 84:18 106:23 sold 66:7 73:19 143:1 218:18 298:5 299:4, 10 sole 251:23 solely 34:12 66:17 79:7 93:14 solid 304:16 solution 290:23 solved 265:19 somebody 11:24 35:13 45:2</p>	<p>218:20 234:14 329:12 someone's 139:18 somewhat 29:20 44:21 93:15 297:7 Soneson 191:16, 24 Sonju 4:6 77:20 332:13 soon 46:15 sorry 33:13, 25 35:24 37:16 83:1 110:12 111:13 117:9 118:11 119:9 125:4 148:7, 11 154:4 167:9 185:24 198:5 202:6 243:18 269:22 282:14 286:9 287:24 288:22 297:12 300:3 323:1 328:16 347:9 354:24 357:21 360:23 370:9, 15 371:19 374:14 sort 126:7 377:1 sought 160:15 sounded 124:18 Sounds 243:24 259:23 source 55:15 134:25 235:22, 23, 24 297:10, 14 305:5, 9 314:15 Sources 5:3 235:20, 25 236:3, 5, 10 271:23 272:5, 7, 10 296:24 306:2 South 1:14 8:10 47:18 48:4 49:24 52:7 60:13, 22 111:24 112:1</p>
--	--	---	---

139:15 267:17 287:23 291:4, 19 315:14 Southern's 137:15 Southwest 311:13 soybeans 80:10 span 219:2 speak 8:25 35:6, 15 36:17 204:6 217:12 218:8, 11 340:19 speaker 20:8, 18, 24 21:4 speaker's 20:10 speaking 78:13 180:18 254:21 269:14 speaks 97:13 species 114:10 276:4 277:5 specific 67:24 specifically 208:9 236:23 318:4 speculated 55:2 speed 30:2 164:12, 16 spell 197:2 260:17 spelling 299:24 300:13 spend 307:9, 10 321:13 spent 52:16 spin 144:7 spinning 93:9 150:17 307:4 split 364:22 splotch 280:11 281:14 282:16 284:4 285:3 289:16 315:19 316:2 348:23 spoke 167:12 spot 164:4 207:10 216:14	222:22 284:1 spots 284:21 SPP 309:19 311:12 spreads 290:3 spreadsheet 217:17 spring 53:7 106:7 150:5 283:21 sprinkler 246:24 square 203:19 stabilization 75:1, 2, 12 stable 138:11 staff 25:16 34:20 91:19 130:1 146:4 151:24 158:1 166:16 211:1, 4, 10 318:18 322:5 330:10 stage 32:22 42:7 stagger 68:14 stagnant 84:3 130:6 stakeholders 55:20 63:7, 15 65:5 76:8 294:14 stand 46:9 79:12 184:25 202:23 204:13 standard 59:7 117:15, 19, 23 118:17, 18 212:23 238:5 251:16 standing 8:19, 22 12:18 13:1 standpoint 64:20 75:17 staring 160:6 stars 185:16 start 47:16 48:9 50:17 55:16, 18 64:17 105:21 118:2 203:11	259:13 314:13 317:3 342:19 378:9 started 50:10 273:22 295:15 316:15 323:1 starting 53:7 204:16 314:23 Stat 24:1, 6, 13 25:21 27:16 STATE 1:1 8:9 56:20 60:17 77:4 79:20 82:18 87:1 104:15 115:24 140:4 150:15 167:11 197:20 217:19 239:10 249:21 250:3, 7, 12, 17 260:17 264:9 265:8, 14 266:11 275:10, 20 278:12, 16, 25 279:3 280:21 281:20 286:4, 21 312:22 323:16 331:7 stated 43:20 64:6 104:25 132:10 134:12 197:20 302:16 368:25 statement 24:20 25:24 37:14 61:15 78:9 93:17 116:9 129:15 148:17 268:13, 15 STATEMENTS 3:5 32:17 45:21 46:2, 7 218:16 states 240:10 242:10 247:11, 14 249:16, 17 276:13 278:14 355:20 356:14 state's 48:2 279:4 static 222:25	statute 25:22 26:2, 6, 11 28:8 212:9 345:6 366:17 Statutes 165:4 stay 17:8 45:4 111:9 staying 15:17 stays 248:20 steady 289:3 297:2 steam 343:24 344:2 steel 341:24 stem 64:5 step 29:17 46:14 65:13 108:13 196:17 239:19 265:24 275:2 289:22 290:11 stepping 46:18 steps 30:4 stick 129:14 sticker 123:15 124:3, 23 125:1 Stip 3:3 stipulate 36:3 196:9 212:19 stipulated 25:13 27:8, 21 28:3, 7, 12 31:9, 16 369:20 stipulation 27:8, 20 28:20 33:1 35:22 36:15, 19 37:24 38:6 42:12, 15, 19, 25 43:20 195:23 STIPULATIONS 3:2 22:12 23:9 25:10, 12 29:4 32:21 35:24 350:5 stop 9:5 44:19, 20 247:23 288:16 322:15 344:25
---	---	---	--

<p>345:2 378:2, 10, 15 stopping 322:22 storage 314:3, 5 store 69:1 107:24 131:19 146:14 148:16 150:4 208:4 233:6 291:20 303:8, 10 304:3 355:2 stored 65:8 89:7 144:14 204:17 213:18 214:6 227:20 228:17 storing 303:17 storm 149:3 strategies 264:5 stream 274:4 279:25 345:3 356:23 streams 63:3 142:4 342:5 357:8 Street 2:16 strengthen 52:7 strengths 83:6 stretch 146:2 stretches 140:20 strictly 148:24 strong 50:14 51:7 122:23 235:14 stronger 51:12 139:19 140:10 structure 180:10 225:14, 15 265:20 structures 138:14 stuck 228:7 studied 128:23 324:18 study 57:14 72:17, 25 73:12 74:2 77:2 156:7 166:7 167:7 261:22 293:23 295:9, 25 296:10,</p>	<p>11, 13 320:2, 8, 18, 22 321:20, 23 322:7, 9 323:4 327:10 studying 85:3 stuff 87:11 178:10, 11 262:6 274:14 298:14 345:7 sub 221:1 subdistricts 193:7, 10 subdivide 269:13 Subdivision 4:6 5:13 58:8 269:20 270:24 369:18 371:14 374:6 376:20 377:14 subdivisions 27:10, 13 58:10, 13, 17 125:17 351:19 369:15, 23 371:17, 23 372:3 subjects 177:1 submit 43:5 75:1, 8 submitted 368:13 subsection 239:6 subsequent 58:16 subservient 356:3 substantial 69:24 72:10 222:23 225:24 236:18 245:9 substantially 27:14 success 51:1, 11 265:23 successful 59:17, 20 61:21 83:13 successfully 146:17 sudden 342:23 sufficient 213:2 282:8 sufficiently 128:24</p>	<p>suggest 42:11 75:11 suggested 172:24 suggests 74:2 Suite 2:5, 11 summarize 22:23 291:22 summarizing 334:22 summary 26:16 113:1 117:6 119:17, 19 333:1 summer 69:4 sun 106:25 superintendent 263:1 superiority 177:4 supermajority 58:23 68:10, 19 95:22 supplement 48:15 134:25 supplemental 63:3 316:5 supplied 212:16 335:23 suppliers 310:17 supplies 48:19 137:14 291:15 355:11 supply 111:1, 15 138:11 146:3 238:17 243:19 245:8 273:24 303:11, 20, 23 305:15, 16 316:8 319:1 333:15 339:9 360:13 support 47:8 55:12 62:18 66:8 201:18 236:25 supported 54:18 supporting 135:16 supportive 90:10 supports 220:16</p>	<p>suppose 145:13 152:6 369:21 supposed 356:4 361:2 Supreme 14:14 sure 16:22 17:22 23:14 31:12 33:12, 14 43:22 46:11 88:24 89:4 96:16, 20 99:1 129:14 132:6, 13 134:9 139:3 143:20 148:9, 22 149:2 151:5 157:4 160:12 162:7 167:23 172:7 175:13 198:12, 13, 14 199:8 200:14 203:4 208:8 209:7 210:23 216:2 219:25 226:14 230:22 232:17 235:15 243:19 253:17, 22 264:6 265:1 267:6 270:5 272:24 279:5, 19, 24 281:5 282:7 291:9, 10, 14, 16 293:24 294:18, 20 297:5 303:6, 17, 19, 21 305:11 313:6 314:20 317:10 318:22 321:23 322:13 323:5 324:11 328:10 341:9 344:18 355:10, 13 359:3 364:1 372:14 surface 48:14 54:8 55:3, 23 56:25 62:20, 25 63:4 65:12, 19 67:19, 24 68:5, 8,</p>
---	---	---	--

<p>18 69:12 76:9 81:22 88:7, 8 89:1, 3, 5, 11, 18 92:23 96:7 97:2, 7 105:8 108:15 110:19 111:1, 15 112:14, 24 114:20 119:20 121:8, 17, 24 123:2 127:21 135:6 136:3, 16, 17, 20 138:5, 24 143:15 149:14, 24 163:2 176:6, 20 189:2, 19, 24 199:14 200:24 201:1, 3, 4, 9, 16 205:18, 21, 23 206:1, 20 207:3, 9, 15, 19, 20, 22, 24 208:2, 5 209:1 211:20 215:3 223:6 229:18, 22 231:9 233:7 235:11 239:21 241:17 264:17 267:14 285:25 292:25 351:17, 21 354:16 355:2, 17 surpassing 59:19 surplus 61:23 surprises 330:8 surrender 248:1 Survey 5:23 survive 84:11 Susan 9:19 suspected 12:23 sustain 97:17 155:10 sustainability 288:11, 13 sustainable 273:25 290:24 335:14 355:11, 14 Sutherland 285:1 315:22</p>	<p>swayed 17:25 18:8 sweet 49:10 switch 60:3 293:5 switching 283:10 sworn 79:17 197:14 260:14 sybiotic 310:16 System 40:12 66:9 71:13 108:2 134:20 135:1 142:5 153:18 205:6 220:6, 24 223:2, 4 225:6, 17 226:1, 4 227:1 229:24 234:24 236:25 238:16, 17 245:18 246:18, 24 267:4 285:1, 7 289:21 306:16 315:18, 20 316:14 339:9 340:10 342:24 systematically 133:16 systems 62:22 72:13 73:3, 4 77:6, 8 108:11 238:14 246:2 317:20 < T > T.P 3:14 table 201:19 220:15 222:24 223:7 tackle 87:9, 10 tad 230:23 take 20:22 30:7 36:8 52:2 65:23 81:23, 25 108:24 109:1 126:7 133:23 138:13 139:18, 23 143:7 150:16 161:25 162:5, 10 172:10</p>	<p>174:13, 17 187:2 237:25 250:7, 12, 13, 20 256:23 259:16 265:13 273:17 306:15 316:17 317:15 341:15 342:6 344:19 349:16, 23 350:18 357:23 358:5, 6 359:1 374:25 taken 109:5 144:25 162:21 174:22 198:14 225:10 259:25 320:21, 23 327:18 359:5 takes 59:15 149:6 186:15 298:16 329:16 353:15, 21 368:2 talk 9:2 85:7 87:13 91:24 97:4 136:1, 9 196:23 273:2 274:10 282:13 293:19 294:2 296:23 298:15 306:7 314:4 316:2, 24 317:7 333:24 338:25 343:21 talked 68:23 88:17 122:3 133:18 150:23 159:2, 17 200:25 208:25 268:7 273:8 274:23 318:19 319:17, 23 328:21 356:1 365:13 377:1 talking 9:4 64:17 136:10 137:22 142:12 146:6 166:20, 23 181:9 231:8 232:10 239:7 246:17, 18</p>	<p>253:18 283:8 314:8 317:14 319:4, 9, 11 330:19 339:6 362:21 371:17 talks 318:12 353:6 356:17 tan 205:12 224:8, 10 372:6, 7 tap 290:25 target 174:14 277:2, 23 297:7 targets 278:6 303:18 task 19:24 taste 302:24 tax 26:8 taxing 308:16 teachers 49:12 team 157:17, 18 technical 10:20 technically 10:17 12:16 145:13 257:13 357:12 technology 48:16 245:15 267:16 tell 55:6 114:10 139:25 155:4 166:14 170:17 180:21 218:20 280:12 304:16 312:20 320:13 341:12 372:20 tells 26:12 Ten 259:17, 19, 20, 21, 23, 24 tend 58:9 tension 67:13 tenure 16:9 142:25 term 81:4, 15 89:2 90:2 163:13 164:1 210:14 222:18 225:7 247:18 256:20, 24</p>
--	--	--	--

265:24 273:20 291:11 324:23 termed 298:8 terminate 249:6 251:2, 10 252:13 253:7 256:3 terminated 248:1 249:3, 12 251:1 terms 16:18 36:9 59:7 71:19 85:24 96:25 99:16 105:2 126:4 133:16 143:18 156:14 164:5, 14 180:4 238:20 302:21 344:15 347:15 territories 269:5, 6 373:12, 14 Territory 5:11 27:23 50:20 53:14 62:10 64:24 137:16 140:23 141:11 268:22, 24 269:1, 9, 13 270:11 355:5 371:23 372:10 373:18 testified 79:17 132:5 138:2 140:12 155:15 191:11 197:14 208:9 213:10 241:19 260:14 testify 38:10, 14 78:22 155:1 168:4 232:23 testifying 38:18 78:25 79:2, 7 115:10 Testimony 3:5 38:12 40:5, 22 43:7 67:23 68:24 69:3 73:6 74:25 75:9, 21 77:17 78:19 85:16	115:17 120:5 132:8 139:1 185:11 188:3, 7 200:7 201:2 210:13 222:12 237:16 265:6 269:7 283:25 290:8 300:17 302:2 322:1 339:6 Testimony 3:4 TEXEL 1:12 8:5, 15 12:14 13:6 14:11 15:19, 23, 25 16:3, 12, 20 17:4, 10, 15, 21 18:23 19:14, 19, 22 20:1 21:7, 11 22:21, 25 23:4, 11, 20 25:17 26:23 27:4 30:10, 16, 21, 23 31:6, 20 32:6, 10 33:4, 15, 23 34:18 35:23 36:11 37:15, 23 38:23 39:21, 25 40:6, 10, 15, 23 41:5, 9, 12, 16, 20, 24 42:5 43:11, 16, 21, 25 44:6, 10, 13 45:18 46:11, 16 76:14 77:3, 11, 14, 23 78:6 79:5, 9, 13, 19, 25 88:22, 25 89:13, 17, 23 90:1 92:2 94:14, 20 95:4, 7, 12, 21 96:1, 10 97:15 98:9, 13 101:17 102:5, 8, 18 103:2, 6, 10 108:22 110:3 112:2, 7, 22 113:9, 13, 18, 25 114:8, 15, 25 115:3 116:13, 18 118:1, 7, 11, 22	119:2, 8, 11 124:13, 25 125:3, 11, 16 131:24 147:4, 21 148:1, 5, 8 154:2 155:3, 9 166:19 167:14, 22, 25 168:3 172:4 173:17, 20 174:9 175:3, 11, 14, 17 181:8 184:9, 14 185:21 186:6 188:8, 12 190:14, 21 192:3, 6, 11 193:16 195:25 196:5, 8, 12, 16 197:6, 9, 11, 16, 19 199:16, 19, 24 200:3 202:25 203:5, 8, 18, 21, 25 204:3, 9, 21 205:11 206:6, 22, 25 207:5 211:25 212:6, 14, 22, 25 213:5 216:18, 21 217:2 218:21 220:21 221:5, 8, 13 223:9, 14, 16, 20, 25 224:2, 8, 12, 15 226:9 227:2, 6, 9, 11 253:1, 9, 12, 17 255:8 256:7, 15, 25 257:4, 16, 20 258:25 259:8, 12, 15, 18, 22 260:3, 8, 16, 22 272:20, 23 274:7, 12, 17 275:16, 19, 24 276:5, 9, 12, 15, 19 277:6, 10, 13, 16, 19, 24 278:3, 11 282:12, 15, 21 283:9, 12, 15 285:19 288:20 289:9 296:9, 12, 16 299:19, 23 300:2, 5, 11 308:4,	8, 13, 17 311:11, 15 312:5, 17, 23 313:3 321:6, 10 328:7, 9, 14, 19 332:10, 15 334:23 336:7, 10 357:19, 22 358:13, 24 360:3 361:14, 20 362:9, 13, 18, 23 363:2, 8 369:8, 12, 19 371:15, 20, 25 372:5, 9, 13 373:23 374:3, 8, 12, 15 376:2, 5, 9, 13, 23 377:25 378:8, 14 Thank 11:9 15:18 17:12 19:18 23:18 32:5, 24 34:14 37:20 38:3, 24 46:20, 21 61:3 76:13 80:1 90:2 95:11 101:15 108:19 110:6 115:2 118:10 119:15 121:6 122:2 125:19 132:1 166:2, 3 173:8 179:6, 7 181:14 184:8, 17 186:5 189:14 195:17 196:11, 14, 15, 18 197:18 203:10 204:24 207:6 219:16 220:3 226:11 227:5, 10 229:14 230:18 237:22 252:24 257:17 259:6, 7 314:10 316:21 348:15 352:2 365:21 375:25 376:24 377:11 thing 106:4 139:22 156:22
---	---	---	--

194:16 245:7 267:8, 12 280:18 287:20 288:10 294:10 299:20 306:10 313:14 337:15 things 15:7 21:14 61:14 84:8 99:11 110:10 133:24 169:9 170:18 202:24 237:15 242:5 274:25 276:23 286:22 287:7 310:12, 13 311:10 313:6 318:20 320:9 323:8, 21 324:21 326:21 335:3 342:6 345:5 356:7 358:25 378:20 think 11:5, 7 14:15 15:16 16:5 18:10, 13 22:14 31:2 32:16 33:7 35:14, 19 37:13, 16, 20 38:25 45:16 76:16, 25 78:10 82:9 84:3 85:16 86:7, 20 93:15, 25 94:21, 23 95:9, 13 97:13 106:20 111:20 112:9 114:6, 25 122:18 123:14 132:23, 24 136:5 138:18, 20 139:14 140:7 142:17, 21 145:24 150:11 151:11 153:25 154:22 155:7, 10 166:13, 25 169:21 170:11 173:1, 13 174:4 178:9 179:18 192:12, 22 195:20, 22 200:6,	23 201:7, 22 213:17 214:5, 7 215:8 218:16, 22 220:21 221:20 226:17 227:6 234:2 245:19 254:11 255:15 256:2 257:6 259:4 260:5 264:22 265:4, 6 266:11 267:2, 9 271:4, 5 274:11, 20 275:8 280:4, 5 281:17 283:24 286:1 287:6, 11 289:14 290:5, 12 291:11 294:2 295:2, 4 302:2, 16 303:9 306:1, 2, 8, 11, 24 311:16 312:3 316:17, 23 318:24 320:7 324:17, 22, 23 325:7 332:18 333:9, 18 334:17, 21 339:5 340:1 341:20 342:16, 19 343:15, 18 344:16, 22 345:3 349:17 350:25 351:25 352:11 354:5 355:25 357:22 358:1, 5, 8 361:18 369:19 371:9, 13 378:15 thinking 20:14 83:14 170:16 237:14 335:13 Third 4:3 21:15, 24 22:3, 10 24:7 25:11 27:21 30:19 58:25 118:23 315:9 third-party 320:12 326:12 thou 345:6	thought 33:7 85:6 86:14 169:8 179:22 201:10 279:8 336:16 337:17 338:1 374:16 thoughts 211:5 thousand-year 291:8 threatened 114:10 three 43:6 64:14 65:2 67:4 68:1 94:3 96:22 98:3 99:23 100:14, 21 101:1 108:12 123:23 138:17 140:19 141:5 142:24 163:5 181:5, 6, 20, 25 182:4, 7, 10, 17, 19, 20, 23, 24 183:4, 8 238:21 269:7, 24 270:10, 13 313:17, 21, 23 314:9 315:1, 6, 11 316:9 319:25 339:16 351:7 369:11 377:2 378:1 three-day 44:12 three-fifths 28:17 58:20 95:22, 23 342:19 344:13 346:20 350:6, 18 367:14 368:2 threshold 160:21 278:7 tieing 153:8 tier 108:13 ties 59:24 till 44:15 259:24 Tim 11:10 14:24 17:13 22:20 25:17 30:5 46:13 172:24 173:5 time 9:1 22:24 29:18 30:3 42:11	46:4 50:5 52:16 60:4, 17 63:6 69:7 81:17 82:6 86:15 90:11 93:4 94:22 99:9 104:18 106:1, 25 107:13 114:19 133:16 134:6 157:12 162:20 164:15 169:17 170:6 174:2 180:6 195:24 196:19 201:22 209:19, 20 248:9 267:1, 6 268:24 273:19, 21 274:24 277:3, 5 279:12 294:4, 11 295:18 301:4 302:4 304:7, 24, 25 306:24 309:8 310:22 315:10 317:5, 22 321:13 324:5 326:5 334:18 338:10, 16, 24 340:17 353:4, 16, 21 360:10 378:19 timeframe 301:25 timeframes 311:1 times 40:19 57:17 69:2 93:2 100:14 108:14 115:11 129:10 158:10 211:7 234:8 242:1 290:7, 8 306:3, 5, 12 307:2, 3, 11 309:11 341:18 timing 19:20 21:4 TIMOTHY 1:12 8:15 titled 40:11 today 10:13 29:12, 14, 21 35:4 36:4, 21 42:9
--	---	--	---

44:2, 4, 14, 23 47:2 48:12 49:17 50:8 53:6 54:23 55:9 56:12, 22 58:3 59:1, 22 60:23 64:20 88:15 93:12, 14, 20 99:22 120:1 121:9, 16 125:18 128:21 130:11 179:23 180:9, 23 186:11 188:23 189:23 200:7 258:7, 17 262:17 267:19 268:18, 19 269:3, 7, 13 271:3, 8, 9 273:1 275:2, 3 284:8 287:7 290:8 295:11, 21 306:18 315:4 329:14 339:2 358:18 378:2, 15 today's 33:11 341:20 toes 305:25 token 71:15 told 22:4 84:7 91:19 94:5, 15 255:15 tomorrow 44:3, 14, 22 339:2 378:16, 24 toolbox 75:6 336:6 tools 75:5 274:1 336:5 top 83:25 166:14 278:10 296:3 309:15 310:4 311:25 363:12 371:6 topic 306:8 topics 53:12 54:4 total 26:13 100:21 182:21, 23 183:4 236:14	239:12 364:9 373:5 touch 140:11 247:10 touched 149:22 241:7 314:25 touching 316:11 tough 145:23 tracked 217:16 tract 213:19 239:11 247:17 252:7, 16, 20 traction 87:14 326:23 tracts 222:3 251:22 trade-type 262:6 traditional 334:8 351:4 373:17 trail 330:9 training 262:3 transaction 128:20, 22 356:20 TRANSCRIPT 1:6 13:12 18:21 19:9 29:25 transfer 247:16 248:19 251:21 347:3 transferred 248:6 transformers 345:15 Transmission 76:20 142:18 220:25 265:7, 8 267:4 345:14 transmissions 221:1, 3 transmitted 284:22 transparent 52:4 91:21 129:7 319:21 transpired 79:1 159:23 treated 211:20	tremendous 245:22 246:7 Tri 68:2, 7, 17 136:4, 10 163:1 180:14 182:1, 6 194:20 229:19 230:13 237:11 270:2, 3, 4, 6 351:3, 5, 12 Tri-Basin 6:9 7:6 tribunal 35:5 trickles 245:25 tried 158:6 329:6 330:21 334:11 trouble 156:2 True 51:3 55:9 69:15 85:20 133:8 142:17 147:2 251:11 352:13 375:24 377:2 trumps 128:8 truncated 11:18 trust 64:3 70:12, 13 209:15 214:6 233:3 trustee 57:1 213:13 try 9:3 91:25 130:2 165:1 276:24 304:3 337:11 341:16 357:16 trying 14:15 106:20 107:1 115:22 119:11 146:2 161:21 288:6 303:2, 18, 21 304:13 314:19 342:2 Ts 309:23 turbines 302:6, 18 307:4 turn 14:20 105:23 108:2, 16 117:1 152:2	156:7 224:21 239:2 243:1 247:7 301:21 302:6, 7 303:3 332:17 turned 50:11 267:25 318:17 turning 69:13 150:8 turns 68:25 307:2 316:6 353:15 twenty-eight 240:14 two 9:4 10:14 11:14 12:11 14:8, 9 15:6 17:16 20:23 27:25 36:3 40:9 44:15 53:22 59:12 65:2 67:17 70:2 73:4 77:10 86:5 90:8 102:1, 10 126:20 133:13 137:17 144:12 152:11 153:5, 8 156:3 166:24 167:16 169:5 170:9, 20 177:5, 7, 12, 18 178:22 183:2 187:1 193:10, 20 194:8 198:21 226:3 235:20, 25 236:2, 9, 11, 20 255:10, 18 293:24 295:12 298:12 303:4 304:12 306:11 308:24 320:17 324:25 333:14 334:5 335:12 345:19 351:8 352:20 370:24 375:5 two-thirds 95:23 two-year 81:14 88:14 91:8 348:3
--	---	---	--

<p>type 157:20 161:18 166:10 254:5 311:7 types 201:15 typically 45:22 99:13 100:2 105:20, 21, 22 106:2 147:8 201:10</p> <p>< U > U.S 266:2 Uh-huh 204:5 251:13 326:7 ultimate 12:1 64:6 ultimately 57:15 62:13 63:22 64:4, 10 170:1 204:25 206:4 216:10 240:5 258:13 335:18 349:20 umbrella 168:23 287:1 324:15 unable 38:10 100:19 163:21 unanimous 18:3 321:4 unanimously 54:18 Unaudited 5:9 unbiased 15:16 uncertain 324:7 unchanged 56:5 underground 89:19 291:20 underlies 56:15 underlying 28:22 220:20 underneath 221:21 281:10 363:22 understand 96:16, 20 98:25 99:2, 7, 20 100:8, 12 105:15 122:10</p>	<p>125:25 126:3 127:5 138:23 157:17 160:12 161:21, 23 184:22 202:16, 19 211:17, 22 215:9 244:25 253:22 264:13 266:18 275:3 313:6 323:7, 8, 12, 24 325:16, 20 326:6 343:17 349:14 350:12 352:25 353:19 365:11, 14 366:21 368:2, 7 369:4 understanding 28:24 75:16 81:19 97:22 107:7 115:25 132:20 156:3 157:2 165:3, 6, 8 171:8 183:23 186:23 187:3, 15 188:17, 25 189:11, 13, 17 190:7, 25 191:6 194:9 211:23 222:14 236:22 244:24 258:9 268:8 272:1 285:13 300:16 301:19 317:16 324:1, 12, 13, 16 326:14 330:4 333:9 342:25 352:16 354:21 355:7, 16 356:19 364:7 366:14 367:10, 20, 25 368:22 373:7 375:18 understands 155:2 251:20 understood 55:10 88:4 286:15 293:24 313:7</p>	<p>324:11 329:16 undertook 47:18 unexpectedly 29:20 unfamiliar 76:22 unhappy 17:24 unicorns 334:1 union 347:20, 22, 24 348:5 Union/nonunion 334:4 unions 348:8 unique 166:11 343:22 unit 73:16 74:3, 12 297:23 298:2 299:1 345:8 349:11 units 63:2 65:21 71:6 134:24 142:3, 24 236:1, 23 339:11 343:21, 23 348:19 University 222:21 261:23 284:1 unknown 48:19 267:14 unmuted 35:3 unsure 33:16 159:12, 13 upper 206:23 316:2 upside 124:23 upstream 110:23 111:19 229:23 284:20 urban 266:9 376:21 usage 143:15 Use 3:4 9:25 18:11 27:5 43:1, 4 48:13 54:10 58:1 60:6 63:9, 16 66:4, 5 68:24 74:5, 10, 11 87:3 89:20 96:8</p>	<p>104:17 134:16, 17, 18, 22 135:5, 16 147:14 157:6 231:18, 19 232:16 239:9 247:12 248:23 250:4 252:3 253:19 255:23 256:5, 12 258:6 273:19 278:24 280:20 290:21, 22 291:1 292:25 293:19 295:21, 22 296:6 303:3 310:22 314:16 322:3 335:5, 7, 10 337:1, 2, 8 340:7 363:4 user 75:25 217:7, 10 247:12, 24 249:14 252:4 278:21 340:16 342:9, 22 Users 5:17, 24 6:13 24:15, 16 65:17, 18 67:10 70:11 72:7 91:15 96:8 101:1, 11 132:11 146:20 153:24 183:13 192:19 216:3, 8 241:17 285:25 296:8 329:8 331:14 uses 74:19 216:5 232:24 251:17 307:17 312:11 342:25 Usually 20:19 243:20, 22 utilities 331:15 utility 67:11 72:23 74:4 153:17 157:10 167:4 301:2 335:13</p>
---	---	---	---

<p>utilized 40:13 77:20</p> <p>< V ></p> <p>vacancy 162:20 163:9 165:5 181:25 191:12, 13, 15</p> <p>vacant 165:17 181:21 182:25 183:3</p> <p>validate 161:10</p> <p>validity 28:21 58:12</p> <p>valley 220:19 246:3 289:24 336:4</p> <p>valuable 267:25</p> <p>valuation 71:21</p> <p>value 51:8, 19 52:4 70:25 71:2, 19, 20, 21 72:11, 16 162:6, 11 267:7 327:1 340:14 364:16, 19</p> <p>Values 5:2 7:2</p> <p>variability 149:1, 20, 21 152:8</p> <p>variable 297:8</p> <p>variation 209:18</p> <p>variations 209:17 301:16</p> <p>variety 110:9</p> <p>various 214:7 234:7 322:12 323:19</p> <p>vary 91:9</p> <p>vast 136:2</p> <p>vehicle 337:10</p> <p>vein 84:25</p> <p>verbatim 118:3, 9 119:14 249:17</p> <p>version 12:9 26:3 42:23 248:23</p> <p>versions 9:25</p>	<p>versus 246:23 301:6 321:20 361:21 363:14</p> <p>vertically 142:14 335:13</p> <p>vested 265:9 282:7</p> <p>veto 58:22</p> <p>vetted 319:22</p> <p>viable 86:17</p> <p>Vice 1:19 29:7 81:18 255:15 376:14</p> <p>videoconference 29:12</p> <p>view 83:5, 16 84:23 85:21, 23 87:15, 19, 25 88:13 122:9 128:16 129:12, 22 156:9, 23, 24 170:8 184:6 186:10, 16 188:22 265:25 305:20 343:8</p> <p>violation 28:14, 23</p> <p>virtually 164:13</p> <p>virtue 246:20</p> <p>vision 54:17 59:18, 23 193:5 264:3, 23 265:4, 12, 21 316:16</p> <p>visionary 47:16 50:4</p> <p>visit 331:10</p> <p>visiting 330:18</p> <p>visits 48:25</p> <p>vital 48:1</p> <p>vocally 54:21</p> <p>voice 138:20 164:8, 19</p> <p>voices 54:23 55:6</p> <p>voids 108:11</p> <p>voluntarily 248:5</p> <p>vote 18:1, 22 19:12 20:2, 9</p>	<p>28:17, 22 52:15 100:10, 11, 19, 22 115:12 116:4, 10 117:14 119:22 120:4, 8 130:13, 16, 19, 23 158:20 162:21 163:13 164:5, 21 165:15, 16, 20, 21 180:5 181:15, 20 182:5, 12 183:1 190:10, 16, 24 191:1, 3 270:24 320:21, 23, 25 321:1, 4 327:11, 18, 21, 24 328:10 342:18 344:13 346:20 373:1 376:15</p> <p>voted 57:13 75:23 78:19 88:18, 19 147:17 182:24 183:2, 8 321:3 329:19 343:3</p> <p>voter 180:1 182:13 270:23 373:5</p> <p>voters 57:5, 7 180:11 192:16, 18 194:11, 24 195:5 270:21 271:3 373:8 375:9</p> <p>votes 18:5 52:13 99:5 140:18 322:19 328:11 373:6</p> <p>voting 12:1 16:18 17:1 58:18 59:5 100:15 117:18, 22 126:13 371:17, 23 372:2 374:20 376:18</p> <p>< W ></p> <p>W/D 6:15</p>	<p>Wait 328:7</p> <p>waived 38:17</p> <p>walk 352:21</p> <p>Waller 3:5 9:19</p> <p>Walters 8:22</p> <p>want 19:10 22:6 32:21 33:10 35:12 44:25 45:13 56:5 57:21 91:1 92:3 95:14 96:16 97:4 98:19, 22 99:1, 11 101:17 107:3 110:10 115:5 134:10 140:11 145:15, 17, 20 146:7 150:7, 18 156:17 161:22 168:4 172:8, 25 173:14, 22 186:20 190:23 192:10, 13 196:6, 9 199:21 206:13 221:15 230:21, 24 233:12 243:22 247:10 248:17 249:24 251:3 253:22 255:9 257:17 274:13 279:10 288:16 290:21 294:22 299:19 300:12 307:7, 10 311:24 312:15 313:5 318:1, 4 348:12 355:10, 13 358:25 363:4, 25 378:2, 10</p> <p>wanted 10:20 11:6 14:4 16:21 23:13 29:5, 16 33:17 34:22 35:17 37:16, 17 43:22 76:21 77:24 86:16 90:2 95:12 96:4 118:8 119:3, 13 125:4,</p>
---	--	--	--

<p>18 148:6, 9 169:16 186:7 200:4 227:12 308:18 311:20 315:11 320:12 323:5 328:20 329:10 336:11 372:14 wanting 122:23 wants 19:5 140:5, 6 wastewater 60:6 watch 13:13 19:8 29:23 92:7 246:8 watching 34:24 35:13 Water 4:18, 21, 23, 24 5:17, 24 6:13 24:16 48:1, 14 49:14 51:20 52:18, 19 55:3, 23 56:17, 21, 25 60:11 61:12, 18 62:5, 18, 20, 25 63:4, 5, 8, 11, 16, 18, 19, 25 64:3, 5, 9 65:6, 7, 12, 17, 18, 19 66:4, 5, 18, 20 67:10, 19, 25 68:5, 9, 18, 24 69:1, 2, 5, 6, 11 70:11 72:6, 7, 20 73:5, 8 75:25 76:9 81:22 83:11, 17, 21 84:4 86:20, 22 87:2, 3, 22, 25 88:1, 7, 8 89:1, 3, 5, 7, 8, 10, 11, 14 90:25 91:1, 15 92:22, 23 93:3, 4 96:7 97:2, 3, 8 99:10 104:4, 6, 12, 17, 21, 24, 25 105:3, 4, 8, 12, 14 106:18 107:5, 24 108:1, 2, 16</p>	<p>110:19, 21 111:1, 15, 22 113:16, 21 114:20 117:12, 15, 21, 23 118:18 119:20, 24 120:11 121:8, 17, 24 122:11 123:2 127:11, 21 128:4, 7 131:13, 20 132:11 134:16, 17, 18, 19, 22 135:5, 6, 12, 13, 16 136:3, 16, 17, 20 138:5, 11, 16, 24, 25 139:23 143:15, 23 144:14 145:1, 5, 7, 10, 17, 21 146:2, 14, 17, 25 147:9, 15, 22, 23 148:14, 15, 16 149:7, 13, 14, 24, 25 150:4, 12, 19 151:3, 8, 19, 21, 22 152:13 153:24 155:16, 18 156:8 157:6 163:2 166:9 171:14 172:1, 19 173:2 175:23, 24 176:21 183:12, 13 189:24 198:9, 13 199:8, 14 200:8, 16, 18, 24 201:1, 3, 4, 8, 9, 16, 18, 19 203:22 204:17 205:4, 8, 9, 10, 15, 17, 18, 21, 23 206:1, 19, 20 207:3, 9, 15, 22, 24 208:2, 5 209:1, 8, 9, 11, 17, 25 210:1, 10, 23 211:20 212:3, 13 213:1, 11, 18, 20, 23 214:4, 5, 11, 15, 19, 23 215:2, 3, 4, 12, 16, 18, 23 216:5,</p>	<p>16, 25 217:9, 14, 19 218:6, 9, 13, 18 219:3 220:13, 14, 15 222:24, 25 223:3, 5, 6, 7 225:10, 16, 22, 24 226:21 227:14, 19, 23 228:17 229:18, 22 231:1, 4, 5, 9, 15, 16 232:3, 13 233:2, 6, 7, 13, 14, 15, 18, 22, 24 234:1, 6, 9, 18, 19 235:1, 2, 7, 11, 12, 21 237:17 238:5, 9 239:3, 4, 8, 12, 14, 21, 22 240:12 241:2, 17, 18, 23 242:3, 11, 16, 23 243:4, 9, 19, 20, 21 244:8, 12, 19 245:13, 16, 21, 25 246:8, 11, 19 247:1, 4, 8, 11, 12, 16, 19, 24, 25 248:1, 5, 13 249:14, 20, 22 250:3, 4, 7, 11, 21, 24 251:2, 10, 16, 22 252:3, 13, 15, 18 253:2, 4, 13 254:16 255:7 256:10, 12 257:12 263:23 264:17 265:18, 20 267:14, 15, 19, 24 273:1, 3, 8, 18, 24 274:4 275:3, 14 276:17 277:20, 25 278:21 279:9, 13, 22 280:8, 14, 16, 18, 22 281:7, 8, 11, 16, 25 282:3, 9 284:13, 15, 22 285:4, 7, 25 286:23 287:19</p>	<p>288:4, 10, 13 289:7, 25 290:11, 14, 17, 24 291:2, 3, 4, 12, 15, 17 292:1, 6, 17, 18, 19, 20 293:1, 2, 14 294:21, 22, 23 295:3, 4, 7 296:8 301:22 302:1, 17, 24 303:1, 3, 5, 7, 10, 20, 24 304:10 305:13, 15, 16 306:21 307:7 312:4, 8, 9, 11 314:19, 24 315:13, 21, 23, 25 316:4, 5, 8, 11 319:1 323:15 325:18, 23 326:1, 8 329:7, 15 331:14 333:22 335:23 340:16 341:22 342:2, 9, 22 343:6 345:1 346:12 349:4 351:17, 21, 22 355:2, 11, 17 364:22 water's 152:1 211:10 213:25 216:10 242:1 272:15 way 11:25 18:1 20:6 28:20 49:25 62:2 107:23 114:18 120:20 122:24 141:19 142:22 161:10, 17 164:17 169:8 192:25 214:7 235:13 236:8 248:16 252:3 257:15 267:15 278:24 291:18 292:22, 25 310:5 344:8 345:16 348:23 357:13, 18</p>
--	--	---	---

<p>ways 50:12 234:10 273:24 290:5 345:12 WebEx 1:18, 21 13:12, 13 19:8 29:12, 23 34:21, 24 35:13 46:9 92:5 204:14 259:3 website 237:6 weeds 288:15 week 20:19, 22 285:6 welcome 173:10 welcomed 53:25 well 13:17 15:16 21:17 22:1 37:7 39:13 41:5 47:22 53:1 55:1 75:1 78:16 82:7 83:8 84:1 86:16 88:6 89:4 92:21 93:7, 25 97:15 100:16 104:11 105:12 106:11 113:3, 13 117:25 118:15 127:1 128:16 129:24 134:23 137:3, 10, 12 138:9, 23 142:11 146:9 149:6 152:19 154:12 155:1 156:9 159:9 170:21 171:18 172:3, 14 175:10 177:13, 20 186:18 192:7, 8 194:18 201:9 202:14 210:21 216:7 218:3 223:16 227:14 231:25 234:1, 6 253:21 254:11 256:25 279:14 280:7, 10 281:22 282:3 284:21, 24</p>	<p>289:15, 20 296:5 300:11 303:15 309:10, 14 310:11 312:5, 23 315:5, 8, 13 319:18 331:18 335:9 338:15, 16 349:15 351:22 356:21 360:10, 23 361:16 362:6 366:4 370:5 wells 106:9, 12 279:11 281:9 Wendell 3:16 6:8, 15 Wendell's 42:18 went 86:8 88:19 105:7 110:8 128:7 129:4 261:21 322:8 we're 10:13 12:16 17:19 33:25 34:5 35:19 38:25 39:13 42:9 45:16 64:13 72:1 84:1, 2 94:6 108:24 109:1 110:4 115:1 128:8 131:8, 9 136:10 139:15 142:12 146:6 172:10 173:12 177:6 179:18 203:11 210:21 229:10 232:10 239:4, 6 247:9 249:20 254:16 255:23 271:5 283:5, 6 285:23 292:14 294:19 303:2, 13, 16, 17, 18, 20, 21 306:19, 24 308:21 312:9 314:8 317:6, 11, 18 319:2, 19 321:9, 21 342:2 357:23, 24 358:15</p>	<p>360:6 362:11, 21 378:15 west 226:24 261:6 Westar 300:9 wet 146:18 149:12 290:3 307:1, 3 we've 20:12 40:16 43:5 68:23 82:15, 16 83:20 84:7 89:1 91:16, 17 129:2, 3, 4, 5 147:12 150:23 151:20 152:21 160:5 219:18 257:24 269:7 273:21 275:9 306:21, 23 308:2 315:10 338:12 349:17 369:20 378:1 whatever's 313:25 what-ifs 254:15 whatsoever 157:6 wheel 93:9 144:7 whereases 171:10 wherewithal 99:16 white 101:18 125:12 wholesale 63:17 65:20 141:22 176:9, 22 354:18 wide 87:20 widespread 149:3 Wildlife 114:7, 9 139:9 144:5, 23 216:1 276:1 312:19 willing 290:19 WILMOTH 2:4 34:5 winter 69:10 149:25 150:16 wintertime 93:6</p>	<p>150:17 303:16 wisdom 51:23 wish 38:1 39:20 within 61:19 64:24 92:17 130:9 131:17 141:20 176:17 180:1 199:9 234:15 241:8 242:14 248:19, 20 270:21, 23 287:13 322:12 345:25 351:18 372:24 without 14:17 22:14 39:4 53:12 58:11 73:8 87:24 103:11 117:11 151:18 171:19 190:24 213:24 223:2 224:24 withstanding 10:24 witness 35:8 39:9 46:9 78:4 79:10, 16, 22 80:2 88:24 89:4, 15, 21, 24 94:18 95:11, 19, 24 96:6, 11, 21 99:8, 25 100:6, 16 101:3, 6, 9, 12 103:18 104:1, 9, 23 105:15, 21 106:2 107:10, 15, 21 108:9, 20 111:5, 20 112:4, 9, 16, 21 113:3, 11, 17, 23 114:1, 3, 5, 14, 23 116:22 118:6, 10 119:6, 10, 15 123:11, 16 124:1, 5, 22 147:8, 24 148:3, 7 154:4 155:7 166:3, 13 167:8, 18 168:1, 9, 17, 22 169:2, 7, 14, 21 170:4, 10, 21</p>
---	--	--	---

171:6, 11, 18, 23 172:3, 14 173:8, 13, 15, 24 175:6, 19 176:2 177:6, 13, 20 178:1, 7, 24 179:7 180:3, 12, 19, 24 181:10, 18, 22 182:2, 7, 11, 18 183:2, 10, 15, 19 184:3, 6 185:24 188:11 190:20 192:20, 24 193:8, 12, 22 194:5, 14, 17, 22 195:6, 14, 18 196:15, 18, 21 197:4, 8, 10, 13, 18, 22 199:21 200:1 202:22 203:4, 7, 10, 20, 24 204:2, 5, 8, 13, 23 205:13 206:18, 24 207:1, 21 208:15, 17, 23 212:5, 11, 18, 24 213:4, 17 214:13 215:14 216:9, 13, 20, 23 217:4, 10, 25 218:8, 22 219:4, 13, 14, 25 220:3, 8 221:2, 6, 10 223:12, 15, 19, 23 224:1, 5, 10, 14 226:20 227:4, 10, 15, 18 228:2, 6, 10, 15, 22 229:2, 5, 8, 10 230:2, 4, 10, 16 237:20 253:5, 11, 15 254:8, 13, 20 255:18 256:13, 22 257:14 259:7, 9 260:11, 13, 19 272:22, 25 274:9, 18 275:18, 21, 25 276:7, 11, 14, 18, 21 277:8, 12, 15, 18, 21 278:1, 5, 15 282:14 286:1, 6,	12, 16 287:11, 13 288:3, 22 289:1, 11, 13 292:3, 7, 15 293:16 295:8 296:11 299:22, 25 300:4, 7 304:13, 20, 25 308:7, 10, 15 309:3 311:2, 14 312:2, 13, 21 313:1, 18 314:10 328:8, 12, 17, 23 331:17 332:11 335:2 336:8, 20, 24 337:21 340:1, 6, 13, 22 341:1 343:12 346:4, 13, 16, 23 347:6, 9, 13 348:1, 9, 20, 25 349:3, 9, 25 350:8, 15, 20, 23 351:1, 4, 9, 14, 25 360:18 369:10 371:19, 24 372:1, 7, 11 374:2, 5, 11, 14, 23 375:3, 6, 11, 14, 23 376:11, 17 377:5, 10, 13, 19, 23 Witnesses 3:3, 9, 12, 15 31:4, 17, 21 32:2 38:1 195:21 196:2, 4 wonderful 106:16 170:17 wondering 223:21 282:23 won't 13:21 14:3 35:2, 3 38:15 46:5 138:12 146:9 203:2 244:3 309:8 311:7 344:25 345:1, 2 376:21 word 14:16 118:23 132:23 162:1 329:6	words 100:25 229:12 290:21 304:9 343:5 work 15:10, 13 29:21 47:18 50:12 53:21, 22 87:13 92:1 94:4 104:22 129:25 130:1 139:21 156:11, 22 177:14, 21 179:25 180:22 199:1, 13, 17 263:9 264:4 267:11 268:1 274:3 275:5 290:6, 17, 19 291:8 293:25 297:9 303:5 304:6 320:14, 16 324:2 329:18 334:11 338:12 347:23 349:3 353:16, 18 357:18 364:8 worked 76:1 199:11 243:17 263:12, 14 266:16 322:5 338:14 workforce 333:16, 17 334:4 workforces 50:21 working 306:4 workings 161:6 works 21:4 24:12 28:11 275:3, 10 302:25 world 294:12 world's 131:6 146:22 worry 138:12 worth 58:12 71:4 83:9 108:1 324:14 335:6 would 8:25 10:4 11:11 12:11, 14, 24 13:7, 9, 22, 25	14:6, 24 15:2 16:4 17:22 18:7, 11, 21, 22, 23 19:4, 5, 10, 12 20:7, 11, 17, 23 22:5 23:24 24:3 26:17 27:10 29:6 30:3 34:19 37:4, 5, 7, 8, 10 42:11 44:2, 25 45:20 46:6 52:14, 22 53:13 55:11, 13 56:9 57:16 59:10 62:21 63:17 64:23 71:25 75:11 76:6, 11, 15 79:11 80:7 82:7, 12 83:8, 16 84:23 85:11, 20 86:24 87:4, 5, 17, 25 91:4 93:17, 19 94:8 95:19, 24, 25 97:24 99:9, 12, 14, 15 100:21, 22 105:3, 4, 5 107:3, 4, 5, 12, 14 108:14, 16 111:6 113:3 114:7, 18, 19 117:2 118:14, 24 122:9, 16 126:3, 12 127:3 128:1 129:11, 22 130:11 133:3, 20 134:13, 22 135:22 136:23 137:12, 24, 25 138:4 139:8, 12, 23 141:12, 17 142:13 143:5, 12, 17 144:2, 8, 15 145:2, 4, 7, 10 146:20, 21 147:14 148:23 149:25 150:14 151:13 152:5, 10 153:3, 6, 21 154:1, 6, 7, 8, 17 155:20 156:1, 3, 21 159:18, 22
---	---	---	--

161:2, 5, 7, 9 163:15 164:2, 10, 13, 25 166:16 167:5 168:19 169:2, 8, 11, 12, 14, 15, 16, 21, 23, 25 170:5, 7, 12, 13, 14, 22, 23, 24 171:4, 14 172:8, 13, 21 173:3 176:2, 14 177:7, 14, 20, 23 178:9, 11, 13, 15, 17, 19, 24 179:3 180:5 182:8 183:25 185:8 186:10, 12, 15 187:17, 19, 20, 24 188:22, 24 190:2, 8, 10, 11, 14, 16, 25 191:1, 3, 7 192:25 193:7 194:1, 8, 24 196:22 197:2 201:3, 6 207:8, 12 208:23 216:9, 11 223:1, 15 228:19 232:22 235:13, 25 236:2, 9, 11, 15, 20 238:19, 25 239:2, 22 240:3, 5 241:12 242:4 245:15 250:21 254:24 255:22 256:10, 18 258:5, 12, 13 259:12 266:24 267:17 268:7 271:25 274:25 290:17, 19 291:2 292:24 293:4, 25 294:1 295:9 296:24 297:21 301:6, 11 305:3, 5, 20 306:17 307:9 308:11, 25 311:18, 23 312:1, 6, 19, 21, 22 317:18 318:4	319:25 320:14, 16 321:22 322:6, 17, 19 323:9 324:13, 14 327:7 329:12 331:25 332:18 334:1, 2, 3, 12, 19, 20, 22 338:2 339:9 342:10, 23 345:25 346:6, 7, 10, 14, 23 347:3, 4, 11, 12, 15, 16 349:19, 23 350:10, 17, 18 361:4 364:18, 24 365:9 367:13 368:24 369:5 371:7 375:17 376:5, 15 377:8 wouldn't 107:12 126:16 156:6 161:4 170:10 203:6 226:21 273:17 305:10 338:3 346:11 Wow 119:10 wrapped 320:11 write 340:20 writing 73:9 written 25:15 wrong 17:19 114:9 123:15 124:24 312:15 336:23 Wyoming 275:23 286:18 316:4 < Y > Yahn 3:17 6:15 yeah 40:1, 18 78:5 86:3, 9 95:19, 25 101:12, 21 103:19 110:13 116:12 119:1 124:2 125:2 132:1 140:16 152:6, 7 154:12,	20 156:10 166:22 168:2 175:21 177:16 178:1 195:11 198:3 201:5 215:14 227:4 228:3, 7 229:5 233:4, 21 235:17 239:18, 23, 25 240:23 244:16 246:21 250:6 251:14 252:1 253:11 255:3 256:22 267:2, 8 270:7 277:12 283:2 292:23 300:3, 4 311:2 312:13 319:19 321:18 322:4 324:9 326:6, 7 327:21 328:3 330:17 331:9, 13, 16 335:2 340:22 341:7 343:14, 18 346:5 348:2, 20 351:5, 14, 23 353:15 354:24 356:21 357:4 358:21 362:2, 3 365:14 370:8, 18 year 49:1 73:21 150:8 151:15 152:9 163:12, 14 164:1 244:4, 5, 19 245:3, 17 272:5, 6 285:8 291:3 302:12, 13 303:14, 20 311:3 314:16, 17, 21 337:20, 22 338:1 339:23, 24 340:3, 5 348:5 years 14:8, 10 15:7 51:23 53:22 54:16 61:13 72:8 75:3 80:16 81:1, 3, 14, 18 83:7, 9 84:5 85:5, 17	90:8 94:5 115:20 129:3 142:16 146:16, 18 147:11, 12, 17 152:19 198:21 199:22, 25 237:10 246:4 252:14 254:23 256:11 257:9 262:16, 22 266:12 279:15 288:5 291:1, 15 306:22 337:18 338:4, 7 341:14, 23 363:18 year's 164:15 303:23 304:4 yellowish 229:23 Yep 138:3 141:15 152:12, 14 163:4 204:5 206:24 211:24 278:1 300:2 364:3, 4 Yes 11:9 16:3 17:15 21:6, 10 22:21 30:21 31:20 32:1, 19, 23 37:14 38:3, 21 39:12 41:2, 7, 14, 19 42:24 80:2, 19, 25 81:6 84:14 85:19, 22 89:16, 21, 22, 25 93:7, 22 94:18, 19 95:6, 10, 25 98:11, 12, 21 101:9 102:25 103:5, 15, 18 110:15 115:18 116:23 117:7 119:7 120:16 121:11 122:1, 8 123:12, 20, 21 127:15 132:9 133:22 134:22 135:2, 13 136:14, 18 137:18 140:14 143:4 145:14
---	--	--	--

148:3, 4, 7, 18
149:23 150:2, 5
151:10, 13 153:6,
10 154:15 155:19,
23 156:1 158:11,
13, 19, 22 159:1,
13 160:1, 23
161:2 165:14
171:6 173:19
174:12 181:10, 18,
22 184:16, 24
185:20 186:12
187:7 188:7, 16,
24 189:21, 25
191:3, 23 193:8
195:14, 18 198:7,
19 200:11 202:15,
25 203:9 207:17
209:3 210:3, 5, 16
212:5 216:12
221:12, 14 222:2,
10, 15, 17 223:19
224:23 225:3
226:6 229:2, 8
232:24 233:9, 16
234:2 236:3
237:22 238:7, 10
241:24 242:18
244:6 245:5
250:15 251:7
256:21, 24 258:8,
12, 18 262:12, 18
263:15, 24 264:11
266:23 268:16
271:21, 24 283:11,
14 286:12 288:2,
25 296:22 298:23
299:18, 22 301:20
304:19 305:7
307:18 311:14
313:18 316:20
317:1 318:6, 9, 11
320:3, 5, 20, 23
321:5 327:17
328:2, 5, 11, 13
331:3, 19, 21, 24

332:3, 9, 20, 23
337:7 352:9, 12,
15 358:12 360:24
362:22 363:13, 16
365:13 366:10, 12,
24 367:1, 4 368:6,
9, 11, 14, 17
369:13 370:13, 22
372:19 376:4, 8
yo 197:2
youth 261:16

< Z >
Zero 92:19 315:6