

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATIONS A-1777 AND A-1955  
AND CANCELLATION OF POWER LEASES FOR APPROPRIATIONS  
A-1725, A-1777, A-1955, A-3574, A-18503

WATER DIVISION 2-C

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriations A-1777 and A-1955 are held by Nebraska Public Power District (NPPD).
2. Appropriation A-1777 has a priority date of August 20, 1925, and authorizes the use of water for the purpose of raising the level of water behind the Northern Nebraska Plant No. 1 Dam to develop power in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 33 North, Range 11 West of the 6<sup>th</sup> P.M. in Boyd County.
3. Appropriation A-1955 has a priority date of August 29, 1927, and authorizes the use of water for the purpose of raising the level of water behind the Northern Nebraska Plant No. 1 Dam (Spencer Hydropower Facility) to develop power in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, Township 33 North, Range 11 West of the 6<sup>th</sup> P.M. in Boyd County.
4. On April 5, 2023, Jeff Shafer, on behalf of NPPD, filed a Relinquishment of Water Appropriation, REL-9947, in the office of the Department relinquishing the right to divert water under appropriation A-1777 for the use described above.
5. On April 5, 2023, Jeff Shafer, on behalf of NPPD, filed a Relinquishment of Water Appropriation, REL-9948, in the office of the Department relinquishing the right to divert water under appropriation A-1955 for the use described above.
6. On April 5, 2023, Jeff Shafer filed a letter in the Department indicating NPPD is cancelling all power leases associated with Spencer Hydropower Facility. In addition to the leases for the two raise dam appropriations being relinquished herein, NPPD is also cancelling leases associated with A-1725, A-3574 and A-18503. These three hydropower appropriations have been transferred to instream basin management appropriations for fish, wildlife and recreation and will no longer be used to generate electricity. NPPD provided a copy of the Bill of Sale for the power appropriations associated with Spencer Hydro Facility in lieu of an appraisal of the facilities.

CONCLUSIONS

The Spencer Hydro Facility has not generated power since the catastrophic flood event in March 2019 and is no longer capable of being operated as a power facility. Therefore, the remaining raise dam power appropriations should be

cancelled. The Bill of Sale is an adequate surrogate for an appraisal of the facility as it established a value for the appropriations associated with the former power generation facility. The power leases should be cancelled because electrical power will no longer be generated at this facility and the water appropriations have been permanently transferred to another use.

ORDER

1. It is hereby ordered that appropriations A-1777 and A-1955 are CANCELLED.
2. Power leases for A-1725, A-1777, A-1955, A-3574 and A-18503 are CANCELLED.

DEPARTMENT OF NATURAL RESOURCES



September 29, 2023

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Thomas E. Riley, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field office in Ord, Nebraska. A copy of this Order was mailed to the following:

Jeff Shafer, Water Resources Advisor  
Nebraska Public Power District  
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