

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF APPROPRIATIONS A-17004A, A-17004B, A-17004C, A-17007B,

A-17007C, A-17008A, A-17008B, A-17008C and A-17009

WATER DIVISION 1-A

BACKGROUND

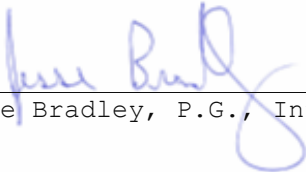
1. Nebraska Revised Statute 46-2,112 requires the Department of Natural Resources (Department) to review an appropriation for instream flow every fifteen years after it is granted.
2. Water appropriations A-17004A, A-17004B, A-17004C, A-17007B, A-17007C, A-17008A, A-17008B, A-17008C and A-17009 are instream flow appropriations on the Platte River in the name of the Central Platte Natural Resources District (CPNRD). These appropriations were granted for the purposes of providing habitat for whooping cranes, sandhill cranes, interior least terns and piping plovers or to provide habitat for food sources consumed by these bird species. These appropriations were approved by the Department of Water Resources (now the Department of Natural Resources) by final order on September 23, 1994.
3. In accordance with *Neb. Rev. Stat. § 46-2,112* notice of pending review was published in several newspapers for three consecutive weeks commencing on May 23, 2024, and ending on June 11, 2024, and posted on the Department's and CPNRD's websites. The notice provided that a person may submit information to the Department using either Option 1 or Option 2. Option 1 provides the opportunity for any interested party to file supportive or negative comments without requesting a hearing. Option 2 provides an opportunity to request a formal hearing as an objector.
4. Two Option 1 letters showing support for the CPNRD instream flow appropriations were received in the Department. There were no Option 2 objectors requesting a formal hearing.
5. On August 5, 2024, Lyndon Vogt, General Manager of CPNRD, filed a letter citing supplemental information in support of the continued benefit and need for their instream flow appropriations as originally granted. In his letter Lyndon Vogt states that "CPNRD firmly believes that these appropriations continue to be used beneficially for the purposes for which they were granted, are in the public interest, and should continue in effect without modification."
6. The CPNRD has requested continued administration of appropriations A-17004A, A-17004B, A-17004C, A-17007B, A-17007C, A-17008A, A-17008B, A-17008C and A-17009 throughout the review period. This request for administration to protect the instream beneficial uses against depletion when streamflows are insufficient to satisfy the appropriations further demonstrates that all available water remains necessary.

It is therefore FOUND, based upon documents on file in the Department and the above information, that these appropriations continue to be used beneficially for the purposes for which they were granted, are in the public interest and, therefore, should continue in effect with no modifications.

It is so ORDERED.

DEPARTMENT OF NATURAL RESOURCES

August 22, 2024



Jesse Bradley, P.G., Interim Director

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

Lyndon Vogt, General Manager
Central Platte Natural Resources District
215 Kaufman Avenue
Grand Island, Nebraska 68803