STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20038

WATER DIVISION 2-A

BACKGROUND

1. On September 5, 2024, Amos Lange, General Manager, North Loup River Public Power and Irrigation District, filed in the Department application A-20038 for a temporary permit to appropriate water for the purpose of groundwater recharge through the Burwell-Sumter Canal.

2. Temporary permits may not be granted for a term of more than one year.

ORDER

IT IS HEREBY ORDERED that application A-20038 is APPROVED subject to the following conditions:

1. The source of water is the North Loup River.

2. The priority date is September 5, 2024.

3. For the purpose of this Order the following locations will be considered the Project Facility(s): the Burwell-Sumter Canal, including its laterals.

4. The water diverted under this temporary permit shall only be used for groundwater aquifer recharge (recharge) in support of the Basinwide Plans and Integrated Management Plans at the existing Project Facility(s).

5. When the specified **limitations, conditions and administration** as shown in **Attachment A**, which is made a part of this Order, are met, water may be diverted at a maximum rate of 100 cubic feet per second, at the headgate of the Burwell-Sumter Canal located in Section 14, Township 21 North, Range 16 West of the 6th P.M. in Garfield County, and the same water, less transit losses, allowed to flow into the Project Facility(s).

6. The water diverted under this appropriation **may not be used for direct irrigation**. The water diverted under this temporary permit may flow only through the Project Facility(s) as shown above. Any water diverted for the purpose authorized under this permit that does not seep into the groundwater aquifer under the specified limitations and conditions shall be returned to the North Loup River system at established spills and drains.

7. The Appropriator must comply with all relevant statutes.

8. This appropriation EXPIRES one year from the date of this Order and appropriation A-20038 will be CANCELLED without further action by the Department as of that date.

9. By September 1, 2025, the Appropriator shall submit a report, either via the Department's web-based Decision Support System (DSS) in excel and/or shapefile formats or hardcopy form containing the following elements: 1) Table of water deliveries to the Project Facility. 2) An evaluation of the evaporative loss. 3) Maps or plans which include a detailed depiction of the areas used to recharge the groundwater aquifer and the infrastructure used to deliver the water.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof. This appropriation is not a guarantee that water will be available.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

September 17, 2024

Jesse Bradley, P.G., Interim Director

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

Amos Lange, General Manager
North Loup River Public Power & Irrigation District
PO Box 147
Ord, Nebraska 68862

ATTACHMENT A

LIMITATIONS, CONDITIONS AND ADMINISTRATION

1. The rate of recharge must match the rate of delivery into each recharge area with only modest increases in head to provide for effective recharge of water into the groundwater aquifer. The Department may reduce the diversion rate if it determines water is being spilled out of a Project Facility.

2. The Appropriator must specify any agreement with public or private entities which would be sponsoring the proposed diversions for the Project Facility.

3. When the Appropriator is permitted by the Department to divert under this appropriation they are doing so in lieu of diverting under the Appropriator's senior appropriations.

4. In order to ensure the public interest is best served relative to the purpose for which this appropriation is being granted, the Department further imposes the following hydrologic and administrative conditions, to determine whether and in what quantity water may be available for diversion:

   A. The Appropriator shall have measuring devices installed and operational at the point of diversion and for the Project Facility(s) designated in this Order prior to commencing diversions under this appropriation. Accurate measurement of diversions and deliveries will be documented by the Appropriator and submitted either via the Department's web-based Decision Support System (DSS) in excel and/or shapefile formats or hardcopy form.

   B. The Appropriator must request diversion in writing and must include the specific information described within this Order when making such request. The Appropriator must receive written approval from the Department to divert under this appropriation prior to diversion. This communication must occur during regular business hours to confirm that conditions are met for diversion. This condition may be met by an acknowledged email exchange. This permission and approval to divert from the Department will specify the rate of diversion allowed and may restrict or limit the use of some Project Facilities as further described in this Order.

   C. When the Appropriator requests diversion under this appropriation they must specify the quantity that would be diverted for the Project Facility in units of cubic feet per second.

   D. The Appropriator must report when water is first diverted into their canal system for irrigation (including canal seasoning/priming), whether irrigation deliveries to fields are occurring, and when the final delivery of irrigation water to appurtenant land has been made for the year. The Department will make the final determination regarding when irrigation activities begin and end and reserves the right to change that determination upon receipt of additional pertinent facts. The Appropriator shall notify the Department within twenty-four hours of the first diversion for canal seasoning/priming for irrigation and the final irrigation season deliveries along the Appropriator's canal system. If this falls on

a holiday or weekend, then the notification must be received by the next business day.

E. The Department may reduce or deny diversion under this appropriation if there is not enough available unappropriated water to satisfy all appropriations and the Department determines that there are more beneficial uses for the limited water supply under other appropriations, and that doing so is in the public interest.

F. The Department may approve or deny the request to divert and will respond to the request with a written response. When permission to divert under this appropriation is granted, the Department will authorize diversion for the Project Facility(s) with a written response which will specify the total diversion that will be allowed.

G. Once diversion under this appropriation has begun, the Appropriator shall notify the Department prior to cessation or modification of the rate of diversion under this appropriation. If this falls on a holiday or weekend, then the notification must be received by the next business day. Once diversion has ceased for a period of twenty-four hours or more, permission must be obtained from the Department as described within this Order before resuming diversion under this appropriation.

H. The Department may modify the amount authorized to be diverted after diversion has commenced under this appropriation. The Department will issue a regulating or closing notice to the Appropriator if there is insufficient water to satisfy senior appropriations.