

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-20078

WATER DIVISION 1-A

BACKGROUND

1. On February 24, 2025, Scott Dicke (Applicant), on behalf of Central Nebraska Public Power and Irrigation District (District) filed in the Department petition VAR-11049 for Leave to File or Consider an Application for a Permit to Appropriate Water within a Moratorium Area or Stay Area in accordance with the Joint Integrated Management Plan of Overappropriated portions of the Platte River Basin (see Integrated Management Addendum). The draft application attached to the petition was for a temporary permit to appropriate water from the Platte River for the purpose of groundwater recharge (recharge) via the E-65 Canal, Phelps Canal, Elwood Reservoir, Cottonwood Ranch Complex, Cottonwood WPA, Funk Lagoon WPA, Johnson WPA, Linder WPA, and Victor Lakes WPA.
2. On February 25, 2025, the Department granted leave to file an application for a permit to appropriate water by approving petition VAR-11049.
3. On February 25, 2025, the District filed in the Department application A-20078 for a temporary permit to appropriate water for the purpose of recharge through the Tri-County Canal. The application proposes to divert water from the Platte River at the headgate of Tri-County Canal located in Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County.
4. Temporary permits may not be granted for a term of more than one year.

CONCLUSIONS

1. The Applicant has demonstrated there may be periods when unappropriated water in the Platte River is available. It is anticipated there may be water available for diversion for some periods under this application in the future.
2. Approval of this application is based on information included and representations made in application A-20078 by the Applicant. That information and those representations are considered terms of this approval, to which the Applicant must adhere.

ORDER

IT IS HEREBY ORDERED that application A-20078 is APPROVED subject to the following conditions:

1. The source of water is the Platte River.
2. The priority date is February 25, 2025.

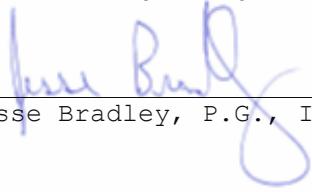
3. Water shall not be diverted under this appropriation before March 1, 2025.
4. For the purpose of this Order the following locations will be considered the Project Facility(s): the E-65 Canal and Phelps Canal, including their laterals, Elwood Reservoir, Cottonwood Ranch Complex, Cottonwood WPA, Funk Lagoon WPA, Johnson WPA, Linder WPA, and Victor Lakes WPA.
5. The water diverted under this temporary permit shall only be used for groundwater aquifer recharge (recharge) in support of the Basinwide Plans, Integrated Management Plans and Platte River Recovery and Implementation Plans (PRRIP) at the existing Project Facility(s).
6. 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 950 cubic feet per second, at the headgate of the Tri-County Canal located in Section 08, Township 13 North, Range 29 West of the 6th P.M. in Lincoln County, and the same water, less transit losses, allowed to flow into the Project Facility(s).
7. 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 Platte River system at established spills and drains.
8. The Appropriator must comply with all relevant statutes.
9. If a relinquishment is not submitted first, this appropriation will EXPIRE on February 28(29), 2026, and it will be CANCELLED without further action by the Department as of that date.
10. By September 1, 2026, 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) A copy of any other data or reports provided to the PRRIP Executive Director's Office, or pursuant to any contractual arrangements between the Central Nebraska Public Power and Irrigation District and the Department. 4) 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. 5) Data gathered if groundwater level measurements were taken during and after water has been recharged under this appropriation that demonstrates an increase in the elevation of the local water table has occurred around the Project Facility(s).

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.

DEPARTMENT OF NATURAL RESOURCES

February 27, 2025


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 Bridgeport and North Platte, Nebraska. A copy of this approval was mailed to the following:

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