




2019 Platte Basin-Wide IMP Report

7/17/19

Annual Report of the Department of Natural Resources
To Meet the Requirements of the North Platte, South Platte, Twin Platte,
Central Platte, and Tri-Basin Natural Resources Districts' Platte Basin
Integrated Management Plans for the 2019 Basin-Wide Meeting

Nebraska Department of Natural Resources
July 17, 2019



ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH
PLATTE, TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL
RESOURCES DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT
PLANS
FOR THE 2019 BASIN-WIDE MEETING

I. INTRODUCTION

This report, to be presented at the annual basin-wide meeting on July 17, 2019, is intended to satisfy the tracking, reporting, and evaluation requirements of the Nebraska Department of Natural Resources (Department) as described in the Monitoring and Studies section of the North Platte, South Platte, Central Platte, Twin Platte, and Tri-Basin Natural Resources Districts' (Platte Basin NRDs) integrated management plans (IMPs). The tracking, reporting, and evaluation processes are described in more detail in the Monitoring and Studies section of the IMPs. This is the tenth report to be filed following adoption of the IMPs in September 2009 and contains information on activities from January 1, 2018, to December 31, 2018.

Each of the five Platte Basin IMPs require that the Department annually track and report on the following items: 1) any surface water permits issued; 2) any dam safety permits issued; 3) any groundwater permits issued; and 4) the associated offsets/mitigations for any new permits issued. The above items are included in this report. The IMPs also discuss the inclusion of information on the location, amount, and timing of the depletions caused by each permitted new or expanded water use as well as the same information for the associated offset/mitigation. To facilitate the exchange of information between the Department and the NRDs, the Department reports on the cancellation of surface water permits each year.

In addition to reporting on annual permitting activities, the Department is also required to report the following items every five years: 1) National Agricultural Statistics Service (NASS) livestock data; 2) U.S. Census Bureau population data; 3) inventory of sandpits; 4) inventory of reservoirs of less than 15 acre-feet (af); 5) any retirements of irrigated acres or other activities in the NRDs by the Department for the purpose of returning to a fully appropriated condition; and 6) offsets/mitigations for depletions resulting from increased consumptive use related to the items listed. The items listed here were included in the 2011 report¹ but will not be included in the 2019 report. Instead, these items, as well as the items reported annually, were analyzed as part of the 2019 Robust Review, which was completed this year as part of the IMP requirements. The Robust Review analysis is described in more detail in the IMPs. The full 2019 Robust Review report is available on the Department's website.

¹ *Annual Report of the Department of Natural Resources to meet the Requirements of the North Platte, South Platte, Twin Platte, Central Platte and Tri-Basin Natural Resources Districts' Integrated Management Plans for the 2011 Basin-Wide Meeting* available from the Department upon request.

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

Following the reporting at the Annual Basin-Wide meeting, the items tracked and reported will be used by the Platte Basin NRDs and the Department to measure the success of the controls, incentive measures, and other action items in meeting the goals and objectives of the IMPs. Two evaluation processes for measuring success are described in the IMPs. The first is a yearly evaluation of the data contained in the annual report that will include a forecast of the balance of depletions and accretions for permitted new activities using analytical methods. The second evaluation process involves updating and running groundwater models with any of the relevant data from the annual exchange in to the Robust Review, along with the data that is to be collected and considered every five years. . In addition to these evaluation processes, the information that is tracked and reported will also be used by the State to help meet requirements of the Platte River Recovery Implementation Program (PRRIP).

II. ACTIVITIES TO BE REPORTED ANNUALLY (JANUARY 1, 2018, THROUGH DECEMBER 31, 2018)

A. Summary

Items reported annually include permits that are issued by the Department. When a surface water or groundwater permit is reviewed, the Department assesses the potential for the permitted action to increase, decrease, or have no effect on water use. Depending on the circumstances, the applicant may be required to take action that would offset/mitigate the effect of any increase in water use. Described in each section below are the permits issued by the Department and the associated review of potential changes in the water use. The Department issued four new surface water permits, one dam safety permit, and one groundwater permit in calendar year 2018. Copies of the applications and orders for each permit are available in Appendix 1. More detailed information on each permit is available at the Department office in Lincoln, Nebraska.

B. Surface Water Applications Approved – Table 1, Pages 6 & 7

Four new surface water applications were approved in calendar year 2018. Three of the four new permits are temporary permits for groundwater recharge. These permits only allow the diversion of streamflows in excess of already permitted uses and target flows when they are available during non-irrigation periods in the spring and fall, and are intended to supply baseflow

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

accretions back to the river. The fourth new permit is a temporary permit for public-use road construction and will not exceed ten acre-feet in total volume, which in accordance with *Neb. Rev. Stat. § 46-233(8)*, is therefore in the public interest, and exempt from the determination of unappropriated water. All temporary permits expire one year from the issued date. The conditions under which each permit can operate are specified in detail in the order for each permit (see Appendix 1).

C. Dam Safety Applications Approved

One new dam safety application was approved in calendar year 2018. Although the dam was completed in 2006, it was expanded to become jurisdictional size. No evaluation of consumptive use was performed for this reservoir. Any consumptive use from the reservoirs is due to the activities of the livestock, which is covered in two other places in the IMP process: 1) under industrial permitting activities of the NRDs; and 2) by the livestock accounting completed by the Department. Therefore, no depletion or mitigation analysis is required of this permit at this time; rather, this will be covered in the next robust review analysis.

D. Groundwater Permits Issued – Table 3, Page 9

One new groundwater municipal transfer application (MT-49) was approved in calendar year 2018. The city of Gering will withdraw and transfer groundwater to the city of Terrytown from four existing public water supply wells. Withdrawal and transfer of groundwater under permit MT-49 shall not exceed 1,044 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 1,156,195 gallons per day. The average daily withdrawal and transfer of groundwater shall not exceed 428,220 gallons per day. The total amount of groundwater that may be transferred in a one-year period shall not exceed 156,300,300 gallons. North Platte NRD is providing a mitigation of 0.93 cfs during irrigation season.

E. Offsets/Mitigations for Issued Permits

No offsets were necessary for the three surface water applications approved for the purpose of groundwater recharge because the permits would not impact state protected flows or species target flows. The remaining new surface water permit, for temporary road construction, also does not require any offset because it is a temporary permit for public-use road construction

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

and will not exceed ten acre-feet in total volume, which in accordance with *Neb. Rev. Stat. § 46-233(8)*, is in the public interest and exempt from the determination of unappropriated water.

No offsets were necessary for the Dam Safety permit. Any consumptive use from the reservoir is due to the activities of the livestock, which is covered in two other places in the IMP process: 1) under industrial permitting activities of the NRDs; and 2) by the livestock accounting completed by the Department. Therefore, no depletion or mitigation analysis is required of this permit at this time; rather, this will be covered in the robust review analysis. These permitted activities will be accounted for by Nebraska in accordance with the Nebraska New Depletion Plan.

Groundwater municipal transfer MT-49 has an offset provided by the North Platte NRD in the amount of 0.93 cfs during irrigation season (280 acre-feet per year) via past water management programs.

F. Additional Reporting of Cancelled Permits – Table 2, Page 7

To facilitate the exchange of information between the Department and the NRDs, the Department is also reporting on the cancellation of surface water permits. Nineteen surface water permits were cancelled during the reporting period. All nineteen of these were temporary groundwater recharge permits issued for one year which expired in 2018. Copies of the applications and orders for the cancelled surface water permits can be found in Appendix 1 of this report.

G. Net Effect due to New or Expanded Permitted Activity and Offsets/Mitigations

Due to the nature of the actions permitted by the Department, there will be no change in consumptive water use in the basin and no depletion or offset/mitigation analysis and estimates were necessary for 2018 activities.

Projects for the purpose of providing accretions to the river to offset other depletions are discussed in more detail in the Department's 2018 update to the Governance Committee report: "Nebraska Update on Continued Implementation of the Nebraska New Depletion Plan (NNDP)," attached to

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

this report in Appendix 2. Based on the analysis presented in that update, the total of Nebraska's offset/mitigation efforts and depletions from new uses within the basin result in a net increase to streamflow.

A guidance document for the annual calculations, *Basin-wide Technical Committee Guidance Document – Procedures for Annual Accounting Review and Robust Review to Assist Integrated Management Planning and Facilitate Reporting to the Platte River Recovery and Implementation Program*, can be found on the Department's website at

<https://dnr.nebraska.gov/sites/dnr.nebraska.gov/files/doc/water-planning/upper-platte/other/basin-wide-technical-committee-guidance20120814.pdf>.

III. ACTIVITIES TO BE REPORTED ON A FIVE (5) YEAR BASIS

For the five (5) year tracking requirements, the Department reports on changes in livestock and human populations and conducts an inventory of sandpits and reservoirs less than 15 acre-feet. The Department also reports on retirements of irrigated acres and other activities conducted for the purpose of returning to a fully appropriated condition and any offsets/mitigations necessary for depletions resulting from increased consumptive use by the items reported in this section.

The changes in livestock and human populations and other activities between calendar years 1997 and 2005 were reported in the 2010 report. Activities in this section for the 2010 calendar year were reported in the 2011 report. Updates to livestock and human population data in the 2010 and 2011 reports were made after errors were identified following the original publication of the reports. The inventory of sandpits and reservoirs less than 15 acre-feet for 2005 to 2010 was reported in the 2013 report. All reports prior to 2016 are available from the Department upon request. More recent reports can be found at <https://dnr.nebraska.gov/water-planning/upper-platte-basin-wide-meetings-and-annual-reports>.

IV. OTHER TECHNICAL ANALYSES

The Department and NRDs have completed the 2019 Robust Review as described in *Neb. Rev. Stat. § 46-755(5)(d)*, according to the process outlined in the scope of work developed by the Department and NRDs following the Basin-Wide Technical

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

Committee Guidance Document. Consultants were contracted to assist with the work in coordination with NRD and Department technical staff. The analysis has been completed and the results and report are available from the Department or the NRDs.

Work on assessing the difference between current and fully appropriated levels of development began in early 2015. An analysis using the INSIGHT Methodology Evaluation of Cyclical Supplies and Demands was conducted as part of this work. Another assessment of Streamflow Impacts from Uses Initiated Prior to July 1, 1997, and after July 1, 1997 was also conducted to estimate all impacts to streamflows and total depletions. Phase II of the soil and water conservation measures study, which examined impacts of irrigation efficiencies and tillage practices was also completed.. The results of these analyses, which are all available from the Department and the NRDs will help guide planning efforts for the second increment of the basin-wide plan.

IV. SUMMARY

During 2018, the Department issued four new surface water permits, one dam safety permit, and one Groundwater Municipal Transfer permit. As described in the 2018 Update on the NNDP, when all activities in the basin are tracked and summed, the net effect of new or expanded uses and offset/mitigation activities is positive to the river.

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
 TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE, TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN
 NATURAL RESOURCES DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
 FOR THE 2019 BASIN-WIDE MEETING

Table 1: Surface Water Applications Approved by the Department during
 Reporting Period January 1, 2018, to December 31, 2018

Appropriation Number	Approval Date	S-T-R W	Canal	Use	Grant in CFS	Grant in AF	Surface Water or Groundwater Mitigation	Associated Variance
A-19593	4/16/2018	11-6-20W	NA	Temporary Road Construction	NA	5.0	Variance granted pursuant to 475 Neb. Admin. Code Ch. 23 § 001.06	VAR-6602
A-19607	8/16/2018	19-12-26W	Gothenburg Canal	Temporary Groundwater Recharge	100	NA	Variance granted pursuant to 475 Neb. Admin. Code Ch. 23 § 001.03	VAR-6975
A-19608	8/16/2018	18-10-23W	Dawson County Canal	Temporary Groundwater Recharge	100	NA	Variance granted pursuant to 475 Neb. Admin. Code Ch. 23 § 001.03	VAR-6976
A-19617	11/30/2018	8-13-29W	Tri-County Canal	Temporary Groundwater Recharge	950	NA	Variance granted pursuant to 475 Neb. Admin. Code Ch. 23 § 001.03	VAR-7108

Table 2: Surface Water Permits Cancelled by the Department during
 Reporting Period January 1, 2018, to December 31, 2018

Appropriation Number	Modification Number	Cancellation Date	S-T-R W	Canal	Use	Begin Acres	Cancelled Acres	Cancellation in CFS	Cancellation in AF
A-19503	VAR-6149	4/26/2018	10-23-58 W	Farmers Canal	Temporary Groundwater Recharge	NA	NA	600	NA
A-19503	VAR-6149	4/26/2018	10-23-58 W	Farmers (Tri-State) Canal	Temporary Groundwater Recharge	NA	NA	600	NA

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES

TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE, TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN
NATURAL RESOURCES DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

Appropriation Number	Modification Number	Cancellation Date	S-T-R W	Canal	Use	Begin Acres	Cancelled Acres	Cancellation in CFS	Cancellation in AF
A-19505	VAR-6150	4/26/2018	18-20-52 W	Belmont Canal	Temporary Groundwater Recharge	NA	NA	100	NA
A-19506	VAR-6156	4/26/2018	10-23-60 W	Mitchell Canal	Temporary Groundwater Recharge	NA	NA	100	NA
A-19507	VAR-6151	4/26/2018	3-21-54 W	Castle Rock Canal	Temporary Groundwater Recharge	NA	NA	40	NA
A-19508	VAR-6157	4/26/2018	28-22-55 W	Gering Canal	Temporary Groundwater Recharge	NA	NA	75	NA
A-19509	VAR-6155	4/26/2018	28-22-55 W	Central Canal	Temporary Groundwater Recharge	NA	NA	33	NA
A-19510	VAR-6163	4/26/2018	1-20-53 W	Chimney Rock Canal	Temporary Groundwater Recharge	NA	NA	60	NA
A-19511	VAR-6162	4/26/2018	17-22-55 W	Winters Creek Canal	Temporary Groundwater Recharge	NA	NA	50	NA
A-19521	VAR-6148	4/26/2018	27-23-57 W	Enterprise Canal	Temporary Groundwater Recharge	NA	NA	40	NA
A-19522	VAR-6147	4/26/2018	32-22-54 W	Minatare Canal	Temporary Groundwater Recharge	NA	NA	40	NA
A-19526	VAR-6186	5/5/2018	13-1-34 W	Platte Valley Irrigation Canal	Temporary Groundwater Recharge	NA	NA	201	NA
A-19527	VAR-6182	5/5/2018	7-1-32 W	Suburban Canal	Temporary Groundwater Recharge	NA	NA	77.47	NA
A-19528	VAR-6183	5/5/2018	18-14-33 W	Paxton Hershey Canal	Temporary Groundwater Recharge	NA	NA	102.78	NA
A-19529	VAR-6184	5/5/2018	18-14-36 W	Keith-Lincoln Canal	Temporary Groundwater Recharge	NA	NA	80.56	NA
A-19530	VAR-6185	5/5/2018	14-12-43 W	Western Canal	Temporary Groundwater Recharge	NA	NA	176.26	NA
A-19552	VAR-6257	8/9/2018	19-12-26 W	Gothenburg Canal	Temporary Groundwater Recharge	NA	NA	100	NA

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES

TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE, TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN
NATURAL RESOURCES DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

Appropriation Number	Modification Number	Cancellation Date	S-T-R W	Canal	Use	Begin Acres	Cancelled Acres	Cancellation in CFS	Cancellation in AF
A-19553	VAR-6258	8/9/2018	18-10-23 W	Dawson County Canal	Temporary Groundwater Recharge	NA	NA	100	NA
A-19559	VAR-6281	9/25/2018	8-13-29 W	Tri-County Canal E65 Canal	Temporary Groundwater Recharge	NA	NA	350	NA
A-19560	VAR-6282	12/1/2018	8-13-29 W	Tri-County Canal, Phelps Canal, Cottonwood Ranch, Funk Lagoon, Johnson WPA	Temporary Groundwater Recharge	NA	NA	600	NA

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
 TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE, TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN
 NATURAL RESOURCES DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
 FOR THE 2019 BASIN-WIDE MEETING

Table 3: Municipal and Industrial Groundwater Permit issued by the Department during Reporting Period January 1, 2018, to December 31, 2018

Permit Number	Well Registration Numbers	NRD GW Transfer Permit Number	Approval Date	Well Type	S-T-R W	Permitted Max. Daily Rate (gal.)	Permitted Total Annual Consumptive Use (gal.)	Offset Scheme
MT-49	G-150205 G-150778 G-150779 G-150780	N/A	5/2/2018	Public Water Supply	*	1,156,195	N/A	NPNRD shall transfer 280 acre-feet (0.93 cfs) accrued by NPNRD's water programs.

*Location of public water supply wells are not provided for safety reasons.

Table 4: Dam Safety Permit issued by the Department during Reporting Period January 1, 2018, to December 31, 2018

Plan Number	Dam Status	Project Name	Section	Township	Range	Order Date	Water Division	Use
P-20268	Approved	Keller Lagoon 1 Dam	09	08	23 W	8/27/2018	1A	Livestock Waste Control Dam

A copy of the Application and Order for each approved or cancelled permit can be found in Appendix 1 of this report.

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
 TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
 TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
 DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
 FOR THE 2019 BASIN-WIDE MEETING

Definitions

Depending on the types of permits issued or cancelled in a given year, not all definitions may be relevant to the current year's report.

Accretion	Addition to streamflow that results from an offset/mitigation action or project.
Acre-Feet (af)	A unit of volume, commonly used to measure quantities of water used or stored equivalent to the volume of water required to cover 1 acre to a depth of 1 foot and equivalent to 43,560 cubic feet, 325,851 gallons, or 1,233 cubic meters.
Annotation	Modification numbers or appropriation numbers also associated with the appropriation.
Application/Appropriation Number	Appropriations having docket numbers (D-) refer to claims covering rights which existed prior to April 4, 1895, or those rights that existed on the Missouri River that were covered by the law passed in 1980. Those appropriations having application numbers (A-) were filed after April 4, 1895.
Begin Acres	The amount of acres included in an original appropriation, prior to any acres being cancelled.
Cancelled Acres	The amount of acres in an appropriation that have been cancelled.
CFS/Cubic Feet per Second	The USGS defines cubic foot per second (cfs) as "the flow rate or discharge equal to one cubic foot of water per second or about 7.5 gallons per second."
Depletion	Reduction to streamflow that results from a new use of either groundwater or surface water.
Flood Control	This refers to water withdrawn from the surface water source for the purpose of protecting health and well-being of society.
GPD/Gallons per Day	This refers to the number of gallons pumped per day.

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
 TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
 TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
 DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
 FOR THE 2019 BASIN-WIDE MEETING

Grant in AF	This refers to the approved amount of acre-feet of water legally allowed to be pumped from a surface water source, as long as all other conditions are met.
Grant in CFS	This refers to the approved amount of cubic feet per second of water legally allowed to be pumped from a surface water source, as long as all other conditions are met.
Instream Use	This refers to water that is appropriated for use within the stream and is not withdrawn from a surface water source.
Offset	A reduction in water use that corresponds with an increased use of water. An offset may be used as a management strategy to balance uses and supplies. The offset will have a corresponding amount, time, and location. Also referred to as mitigation.
Order Date	This is the date the Department acted upon an application for a permit to appropriate water or a modification of an existing appropriation.
Permit Number	This refers to the number of a groundwater permit, assigned by the Department. The first letters in the permit number denotes type of permit.
Plan Number	This is a unique identifier assigned by the Dam Safety Division for the required plans of dams filed in the Department.
Project Name	This name is provided by the applicant.
Relinquishment (REL)	The voluntary yielding of a surface water appropriation by the owner. By relinquishing a surface water appropriation, the owner surrenders all claims to the right to divert water and apply it to the property in accordance with the appropriation. Relinquishments may be for part or all of an appropriation. A form must be filed with the Department for any relinquishments.
Section/Township/Range	This is the legal description of where a dam, well, or water appropriation is located.

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
 TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
 TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
 DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
 FOR THE 2019 BASIN-WIDE MEETING

Use	This is the legally accepted and beneficial use of the water impounded by a dam, well, or water appropriation.
Variance (VAR)	An applicant may petition the Department to file an application for a new surface water appropriation within a moratorium or stay area. This petition, also known as a "variance," if granted, would allow the applicant to file the application, and does not bind the Department to approve any application to which it relates. The variance petition must include sufficient information to indicate the proposed project is for a non-consumptive use, the applicant has a plan to offset any consumptive use, there may be unappropriated flows, the use existed prior to the moratorium, the project address a public safety issue, or the project is a temporary use less than ten (10) acre-feet for public construction.
Water Division	<p>The State of Nebraska is divided in two water divisions by statute, denoted Water Division No. 1 and Water Division No. 2, respectively. Water Division No. 1 consists of all the lands of the state drained by the Platte Rivers and their tributaries lying west of the mouth of the Loup River; and also all other lands lying south of the Platte and South Platte rivers that may be watered from other superficial or subterranean streams not tributary to the Platte River. Water Division No. 2 consists of all lands that may be watered from the Loup, White, Niobrara, and Elkhorn rivers, and Hat Creek and their tributaries, and those lands drained by the Platte River and its tributaries lying east of the mouth of the Loup River. For convenience in the administration of the surface water laws and the distribution of water, the two water divisions have been subdivided into 12 water divisions, denoted:</p> <p>1A Platte River basin, 1B Republican River basin, 1C Little Blue River basin, 1D Big Blue River basin,</p>

ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES
TO MEET THE REQUIREMENTS OF THE NORTH PLATTE, SOUTH PLATTE,
TWIN PLATTE, CENTRAL PLATTE, AND TRI-BASIN NATURAL RESOURCES
DISTRICTS' PLATTE BASIN INTEGRATED MANAGEMENT PLANS
FOR THE 2019 BASIN-WIDE MEETING

	1E Lodgepole Creek basin, 1F Nemaha River basin and Lower Missouri River and tributary basins, 2A Loup River basin, 2B Elkhorn River and Salt Creek basins, 2C Niobrara River basin, 2D White River and White Clay Creek basins, 2E Hat Creek basin, 2F Upper Missouri River and Tributary basins.
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The complete document and appendix are available from the Department website: <https://dnr.nebraska.gov/water-planning/upper-platte-basin-wide-meetings-and-annual-reports> or may be requested in paper or electronic format by contacting Jessie Winter at (402) 471-0376 or jessie.winter@nebraska.gov.

Listing of Appendices and Documents:

Annual Report of the Department of the Natural Resources to Meet the Requirements of the North Platte, South Platte, Twin Platte, Central Platte and Tri-Basin Natural Resources Districts' Integrated Management Plans for 2019 Basin-Wide Meeting.

Appendix 1

- Applications and Orders for Department issued surface water permits.
- Applications and Orders for Department cancelled surface water permits.
- Applications and Orders for Department issued groundwater permits.
- Applications and Orders for Department issued dam safety permits.

Appendix 2

- Nebraska Department of Natural Resources 2018 report to the Governance Committee (GC) of the Platte River Recovery Implementation Program (PRRIP), "Nebraska Update on Continued Implementation of the Nebraska New Depletion Plan (NNDP)."