


**DRAFT 2021 Upper Platte
River Basin-Wide IMP
Report** **Covering 2020 Activities**
7/14/2020

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' Upper Platte River Basin Integrated Management Plans for the 2020 Upper Platte River Basin-Wide Meeting

First report for the first 10-year increment of the IMPs and Upper Platte River Basin-Wide Plan, adopted in September of 2019

Nebraska Department of Natural Resources
DRAFT June 30, 2021



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 ON 2020 ACTIVITIES
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I. INTRODUCTION

This report, presented at the annual basin-wide meeting on July 14, 2021, 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' (Upper 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 first report to be filed following adoption of the second increment IMPs in September 2019 and contains information on activities from January 1, 2020, to December 31, 2020.

Each of the five Upper 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. These 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. These items, as well as the items reported annually, were analyzed as part of the 2019 Robust Review, which was completed 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.

The items tracked and reported here will be used by the Upper 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

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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 (Robust Review) with any of the relevant data from the annual exchange 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, 2020, THROUGH DECEMBER 31, 2020)

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 nine (9) new surface water permits, one (1) dam safety permit, and received no industrial transfer notices for groundwater in calendar year 2020. Copies of the applications and orders for each permit are available in Appendix 1. More detailed information on each permit is available from the Department upon request.

B. Surface Water Applications Approved – Table 1, Pages 7 & 8

In calendar year 2020, nine (9) new surface water applications were approved. All nine (9) were 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 accretions back to the river. 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).

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C. Dam Safety Application Approved – Table 2, Page 8

One new dam was approved for new construction in 2020 by the NeDNR Dam Safety Division. Roberts Cattle Co. Holding Pond 2 Dam (P-20477) was approved on 1/14/2020. According to communication with the NeDNR Dam Safety Division, since the Roberts Cattle Co. Dam is a livestock waste lagoon, there is not a need to issue a storage permit for the dam. Any consumptive use from this dam would be due to the activities of 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: Industrial Transfer Notices for Groundwater Received– Table 3, Page 9

There were no Industrial Transfer Notices for Groundwater received in 2020, therefore, this section is not applicable to the 2020 Upper Platte Basin-wide IMP Report.

E. Offsets/Mitigations for Issued Permits

No offsets were necessary for the nine (9) surface water applications approved for the purpose of groundwater recharge because the permits would not impact state protected flows or species target flows. The Dam Safety permit issued is for one (1) dam that will not require a Dam Safety permit, and therefore do not require offset. Additionally, there were no industrial groundwater permits issued so no offset is required.

F. Additional Reporting of Cancelled Permits – Table 4, Pages 9, 10, & 11

To facilitate the exchange of information between the Department and the NRDs, the Department is also reporting on the cancellation of twenty-two surface water permits. Nineteen of the cancelled permits were temporary groundwater recharge permits issued for one (1) year, and the remaining three (3) permits were temporary manufacturing permits. Copies of the applications and orders for the cancelled surface water permits can be found in Appendix 1 of this report.

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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 2020 activities.

Projects for the purpose of providing accretions to the river to offset other depletions were analyzed as part of the Robust Review, which can be found at <http://upjointplanning.nebraska.gov/> Based on the analysis conducted for the Robust Review of the projects in place through 2013, 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

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request. More recent reports can be found at <https://dnr.nebraska.gov/water-planning/upper-platte-basin-wide-meetings-and-annual-reports>.

Human and livestock population analyses were updated as part of the Robust Review, a report on the inventory and analysis of sandpits and reservoirs is also part of the Robust Review and can be found on the Robust Review report website: <http://upjointplanning.nebraska.gov/>.

IV. OTHER TECHNICAL ANALYSES

During the last couple years of the first increment of the IMPs and basin-wide plan, the Department and NRDs completed several studies. These were the 2019 Robust Review, previously discussed in this report; the Total Depletions report, an analysis of all depletions to streamflows from groundwater uses in the basin both prior to and after July 1, 1997; the Conservation Measures Phase II study, which modeled potential impacts of changes in tillage practices and irrigation efficiencies; and the INSIGHT analysis, an evaluation of the basin's cyclical supplies and demands. These reports, along with associated modeling files are available at <https://upjointplanning.nebraska.gov/>. The results of these analyses helped guide planning efforts for the development of the second increment of the basin-wide plan and IMPs and will continue to influence implementation of the plans throughout the increment.

The Department and the NRDs have begun preparing for the next Robust Review, which will be completed in 2023. A scope of work is in development and data are being collected. The Central Platte, Twin Platte, and Tri-Basin NRDs are also working with the Department on the Conservation Measures Phase IV study, which entails field surveys to collect information on current tillage practices that will be used to potentially update the CROPSIM model.

The NRDs, the Department, and their contractors continue to work together on the maintenance and refinement of the two models for the area, the Western Water Use Management Model and the COHYST Model. These models and tools developed from them are used to conduct the analyses required by the basin-wide plan and the IMPs.

IV. SUMMARY

During 2020, the Department issued nine (9) new surface water permits, one (1) Dam Safety new construction approval, and received no Industrial Transfer Notices

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for groundwater. These permitted activities resulted in no new net depletions to the basin. As shown through the 2019 Robust Review, 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.

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Table 1: Surface Water Applications Approved by the Department during
Reporting Period January 1, 2020, to December 31, 2020

Appropriation Number	Approval Date	S-T-R W	Source or Canal	Use	Grant in CFS	Grant in AF	Surface Water or Groundwater Mitigation	Associated Variance
A-19682	2/14/2020	18-10-23W	Dawson County Canal	Temporary RC - Recharge	100		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.06	VAR-7771
A-19683	2/14/2020	19-12-26W	Gothenburg Canal	Temporary RC - Recharge	100		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.06	VAR-7772
A-19708	5/13/2020	18-14-33W	Paxton-Hershey Canal	Temporary RC - Recharge	102.78		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-8941
A-19709	5/13/2020	18-14-36W	Keith-Lincoln Canal	Temporary RC - Recharge	80.56		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-8942
A-19710	5/13/2020	12-14-33W	Suburban Canal	Temporary RC - Recharge	77.47		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-8943
A-19711	5/13/2020	13-14-34W	North Platte Canal	Temporary RC - Recharge	201		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-8944

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Appropriation Number	Approval Date	S-T-R W	Source or Canal	Use	Grant in CFS	Grant in AF	Surface Water or Groundwater Mitigation	Associated Variance
A-19712	5/13/2020	14-12-43W	Western Canal	Temporary RC - Recharge	176.26		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-8945
A-19719	7/17/2020	3-14-38W	Phelps Canal	Temporary RC - Recharge		4000	Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-9007
A-19735	11/30/2020	8-13-29W	Tri-County Canal	Temporary RC - Recharge	950		Variance granted pursuant to 457 Neb. Admin. Code Ch. 23 § 001.03	VAR-9231

Table 2: Dam Safety Permit Approved by the Department during Reporting Period January 1, 2020, to December 31, 2020

Plan Number	Order Date	Dam Status	S-T-R W	Project Name	Source	Use
P-20477	1/14/2020	Approved	02-09-21W	Roberts Cattle Co Holding Pond	Platte River	Livestock Waste Control

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Table 3: Municipal and Industrial Groundwater Permit issued by the Department during
Reporting Period January 1, 2019, to December 31, 2019

Not Applicable to the 2020 Upper Platte Basin-wide IMP Report

Table 4: Surface Water Permits Cancelled by the Department during
Reporting Period January 1, 2020, to December 31, 2020

Appropriation Number	Modification Number	Cancellation Date	S-T-R W	Canal or Source	Use	Begin Acres	Cancelled Acres	Cancellation in CFS	Cancellation in AF
A-19634	VAR-7261	3/25/2020	8-13-29W	Pump from Tri-County Canal	MF - Manufacturing	N/A	N/A		5
A-19672	VAR-7551	9/4/2020	19-12-26W	Gothenburg Canal	RC - Recharge	N/A	N/A	100	
A-19673	VAR-7552	9/4/2020	18-10-23W	Dawson County Canal	RC - Recharge	N/A	N/A	100	
A-19637	VAR-7351	5/12/2020	18-14-36W	Keith-Lincoln Canal	RC - Recharge	N/A	N/A	80.56	
A-19638	VAR-7352	5/12/2020	13-14-34W	North Platte Canal	RC - Recharge	N/A	N/A	201	
A-19639	VAR-7353	5/12/2020	18-14-33W	Paxton-Hershey Canal	RC - Recharge	N/A	N/A	102.78	
A-19640	VAR-7354	5/12/2020	14-12-43W	Western Canal	RC - Recharge	N/A	N/A	176.26	
A-19641	VAR-7355	5/12/2020	7-14-32W	Suburban Canal	RC - Recharge	N/A	N/A	77.47	

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Appropriation Number	Modification Number	Cancellation Date	S-T-R W	Canal or Source	Use	Begin Acres	Cancelled Acres	Cancellation in CFS	Cancellation in AF
A-19647	VAR-7410	5/27/2020	18-20-51W	Belmont Canal from North Platte River	RC - Recharge	N/A	N/A	100	
A-19648	VAR-7411	5/27/2020	3-21-54W	Castle Rock Canal	RC - Recharge	N/A	N/A	88	
A-19649	VAR-7412	5/27/2020	28-22-55W	Central Canal	RC - Recharge	N/A	N/A	33	
A-19650	VAR-7413	5/27/2020	1-20-53W	Chimney Rock Canal	RC - Recharge	N/A	N/A	60	
A-19651	VAR-7414	5/27/2020	27-23-57W	Enterprise Canal	RC - Recharge	N/A	N/A	40	
A-19652	VAR-7415	5/27/2020	10-23-58W	Tri-State Canal	RC - Recharge	N/A	N/A	500	
A-19653	VAR-7416	5/27/2020	10-23-60W	Mitchell-Gering Canal	RC - Recharge	N/A	N/A	75	
A-19654	VAR-7417	5/27/2020	32-22-54W	Minatare Canal	RC - Recharge	N/A	N/A	40	
A-19655	VAR-7418	5/27/2020	10-23-60W	Mitchell Canal	RC - Recharge	N/A	N/A	100	
A-19656	VAR-7419	5/27/2020	10-23-58W	Tri-State Canal/Northport Canal	RC - Recharge	N/A	N/A	150	
A-19657	VAR-7420	5/27/2020	17-22-55W	Winters Creek Canal from North Platte River	RC - Recharge	N/A	N/A	50	
A-19675	VAR-7584	9/26/2020	23-24-58W	Sheep Creek	MF - Manufacturing	N/A	N/A		2

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Appropriation Number	Modification Number	Cancellation Date	S-T-R W	Canal or Source	Use	Begin Acres	Cancelled Acres	Cancellation in CFS	Cancellation in AF
A-19679	VAR-7722	11/20/2020	8-13-29W	E-65 Canal, Phelps Canal, Elwood Reservoir et al	RC - Recharge	N/A	N/A	950	
A-19633	VAR-7264	3/20/2020	36-13-45W	Lodgepole Creek	MF - Manufacturing	N/A	N/A	0.78	

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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.
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.

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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.
Use	This is the legally accepted and beneficial use of the water impounded by a dam, well, or water appropriation.

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Variance (VAR)	<p>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.</p>
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> <ul style="list-style-type: none"> 1A Platte River basin, 1B Republican River basin, 1C Little Blue River basin, 1D Big Blue River basin, 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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Once finalized, the completed 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 Ryan Kelly at (402) 471-1080 at Ryan.Kelly@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 the 2021 Upper Platte River Basin-Wide Meeting.

Appendix 1

- Applications and Orders for Department issued surface water permits.
- Applications and Orders for Department issued dam safety permits.
- Applications and Orders for Department cancelled surface water permits.
- Notices and responses from the Department regarding groundwater industrial transfer notices received.