



# Nebraska Excess Flow Variance Petition

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<b>DSS Id:</b> 47	<b>Water Rights Id:</b> Pending	<b>Permit Type:</b> Temporary
<b>Appropriator:</b> Nebraska Public Power District	<b>Point of Diversion:</b> Dawson County Diversion Dam	<b>Annual Operating Plan Year:</b> 2024
<b>Address:</b> PO Box 499 Columbus, NE 68602	<b>Phone Number:</b> (402) 362-7360	<b>E-mail:</b> jtshafe@nppd.com

## Permit Variance

**Description of Proposed Project & Good Cause Narrative (Expected Benefits)** NPPD is providing the following information to indicate the basis for the good cause for allowing further consideration of the proposed water appropriation application. It includes a Project Description, Project Operations, Project Benefits, Moratorium Benefits and Impacts, and Environmental and Endangered Species Impacts. Project Description The Dawson County Canal is owned and operated by NPPD. This project was constructed in the 1890's to provide irrigation water to producers in Dawson County. The project consists of the diversion dam, supply canal and many laterals. Recharge operations in recent years have showed that ground water recharge can occur when excess water is available. Project Operations The water appropriation application proposes to divert water in excess to Platte River Recovery Implementation Program (Program) targets before and after the irrigation season into the Dawson County Canal for the beneficial purpose of Platte River baseflow enhancement from ground water recharge. A maximum of 100 cfs would be diverted into the Dawson County Canal and its laterals during periods when unappropriated water is available and target flows are exceeded. The diverted water would be allowed to seep into the aquifer as ground water recharge and then return to the Platte River to increase baseflow. The project envisions keeping returns minimized to those necessary for canal operation. NPPD will maintain communication with the Bridgeport field office as to when irrigation operations are occurring under existing appropriations and when recharge operations are occurring under the proposed appropriations. Diversions will be monitored and recorded using the existing continuous stage recorder and 25 foot Parshall flume located downstream of the Highway 21 bridge in Cozad. Recharge operation returns will be monitored and recorded daily by gages at the Dawson County Canal river return locations. The water diverted in the main canal before and after the 2011 irrigation season under temporary appropriation A-18776 provides a portion of the basis for requesting 100 cfs. NPPD was able to divert approximately 67 cfs using only the main canal for recharge [Reference: Page 138 of DNR's 2011 Hydrographic Report]. NPPD proposes that an additional 33 cfs will be used to recharge water in laterals. Project Benefits NPPD sent letters to the Program, Central Platte NRD, Twin Platte NRD, North Platte NRD, Tri-Basin NRD, South Platte NRD and Nebraska Department of Natural Resources in January 2016 requesting interest in contracting for groundwater recharge benefits (Application Attachment B). The Program has entered into an agreement with NPPD for recharge that would occur under this temporary appropriation. Of the rest, only Tri-Basin NRD expressed a possible future interest, and the remainder did not have an interest in contracting with NPPD in 2016 or future years. In 1997, Colorado, Wyoming, Nebraska and the Department of Interior formed partnership with the goal of developing a shared approach for managing the Platte River. Water users from the three states, including NPPD, and local and national conservation groups joined the effort. The Program is the result of that planning effort. NPPD is one of the Downstream Water User representatives on the Program's Governance Committee and it is in NPPD's best interest to see the Program succeed. During the first increment of the Program, one goal is to reduce shortages to target flows an average of 130,000 to 150,000 acre-feet annually. NPPD has contracted with the Program to provide the proposed recharge services. Moratorium Benefits and Impacts The moratorium on new surface water applications in the Platte River basin where the Dawson County Canal diversion is located was ordered on July 14, 2004. The moratorium concluded that it was in the public interest to place a moratorium on surface water appropriations because the public "... would not be well served by the continuance of granting permits where sufficient water is not available." The order continues by saying that doing so "... would result in "paper water rights" that would cause additional costs to the taxpayer because of the costs of processing such applications, the costs of administering such applications, and the costs of canceling such appropriations in the future." It is NPPD's belief that there will be no negative impacts to the public should this petition and appropriation be granted. As identified in the excess flow report, sufficient water exists for the diversion location and therefore it will not result in a "paper water right".

### The Proposed Project Must Meet at Least One of the Following Criteria (Check All That Apply)

☒ The applicant has credible information that indicates there may be unappropriated water available at the proposed location at the time the depletion is likely to occur. (Upload analysis, PDF with descriptive name)

Use DNR Report

Upload Analysis

- ☐ The proposed project is for a non-consumptive use. (Upload description of use, PDF with descriptive name)
- ☐ The applicant has a credible proposal for replacing any consumptive use that will occur in a manner such that the project will not harm other users. (Upload offset plan, PDF with descriptive name)
- ☐ The project existed prior to any informal moratorium, formal moratorium or stay. (Upload proof, PDF with descriptive name)
- ☐ There is a public safety issue that must be addressed and the proposed project addresses that issue. (Upload explanation, PDF with descriptive name)
- ☐ The proposed use is a temporary use for public construction and the total volume requested is less than ten (10) acre-feet.

Upload Files to Support the Criteria Selected Above

No supporting files are uploaded.

Permit Application (*Alternate Form APA-001*)

What Is the Recharge Application Type? *Natural Flow*

Source Name (From Point of Diversion) *Dawson County Canal from Platte River*

Diversion Type (From Point of Diversion) *Headgate*

Diversion Structure Name (From Point of Diversion) *Dawson County Diversion Dam*

Maximum Capacity of Canal or Delivery Works (CFS) (From Point of Diversion) *525*

Quantity Desired for Recharge Appropriation (CFS) *100*

What is the Minimum Operational Rate of the Canal (CFS) *5*

What is the Earliest Diversion Date? *03/01/2024*

Will This Project Be Constructed under a Federal Program, Receive Federal Funding, or Have Federal Planning Assistance? *No*

Do You Intend to Divert Water into Recharge Facilities Other than Your Canal? *No*