

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 Sutherland Project is owned and operated by NPPD. This project was constructed in the 1930's to provide irrigation water to producers in Lincoln and Dawson County. The project consists of the 2 diversion dams, 2 reservoirs, supply canals and many laterals. Recharge operations on other canals and projects 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 at the Korty Diversion Dam for the beneficial purpose of ground water recharge to create a "bank" of water to offset anticipated future water needs at NPPD's Gerald Gentleman Station. Credits to the South Platte River in excess of NPPD needs could be used for IMP or Program purposes. A maximum of 1,200 cfs would be diverted at the Korty Diversion Dam and stored in Sutherland Reservoir 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 South Platte River to increase baseflow. Diversions will be monitored and recorded using the existing continuous stage recorder and 25-foot Parshall flume located in section 8, T13N-R36W near Paxton. Project Benefits NPPD believes that additional groundwater consumption could be required at GGS for future environmental control purposes. Water recharged under this proposed permit could be used to offset a portion of that consumption. 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. River credits in excess of NPPDs needs could be provided to meet those shortages. All of the Platte River NRD's in the designated Overappropriated Area have approved IMPs which require offsets to post-1997 uses. River credits in excess of NPPDs needs could be provided to meet those required offsets. Moratorium Benefits and Impacts The moratorium on new surface water applications in the Platte River basin where the Korty 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 DNR report, Evaluation of Historic Platte River Streamflow in Excess of State Protected Flows and Target Flows Supplement to December 2010 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) *Korty - South Platte River Supply Canal*

Diversion Type (From Point of Diversion) *Headgate*

Diversion Structure Name (From Point of Diversion) *Korty - South Platte River Supply Dam*

Maximum Capacity of Canal or Delivery Works (CFS) (From Point of Diversion) *1200*

Quantity Desired for Recharge Appropriation (CFS) *1200*

What is the Minimum Operational Rate of the Canal (CFS) *50*

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? *Yes*

How Many Recharge Facilities Will Be Utilized under This Application? *1*