

Meeting Summary for discussion on Niobrara River issues  
Nebraska Department of Natural Resources (NDNR)  
Wyoming State Engineer's Office (WSEO)  
8:30 a.m. (Mountain Time), Friday, October 21, 2011  
SEO Offices, 510 West 27<sup>th</sup> St.  
Torrington, WY

I. Introductions and agenda review (Schneider/Tyrrell)

The meeting was attended by the following:

<u>Name</u>	<u>Representing</u>
Lyndon Vogt	Upper Niobrara-White NRD
Tom Hayden	Nebraska DNR
David Kadlecek	Upper Niobrara-White NRD
Brandi Flyr	NDNR
Shane Wright	NDNR
Jim Schneider	NDNR
Matt Hoobler	Wyoming SEO
Wray Lovitt	Wyoming SEO
Pat Tyrrell	Wyoming State Engineer
Randy Tullis	Wyoming SEO
Brian Pugsley	Wyoming SEO
John Harju	Wyoming SEO

II. Review the minutes from prior meetings

- A. April 27, 2011 Technical Group conference call (Flyr)
- B. October 25, 2010 Principles meeting (Wyoming)

III. State reports/2011 water year (Schneider-Hayden/Tyrrell-Tullis)

Jim provided an update on the litigation related to the administration of the Spencer hydropower facility. Four NRD's were involved in the case determining whether the fully appropriated designation was appropriate. The DNR will be limited in issuing additional surface water rights. Maps showing areas where permits can be issued are on the DNR website.

Tom reported that the Niobrara River stateline flows are averaging about 3.6 cfs. There was a peak flow of 100 cfs in February and the March peak was 25 cfs. Very little water was diverted this year due to the precipitation received in the late spring and summer. Box Butte Reservoir filled at 24,940 AF.

Randy reported that there was also no administration called for this year in Wyoming as well. The high precipitation likely led to groundwater recharge. The SEO limits well density to one mile spacings for new irrigation or miscellaneous well applications. Five new wells have been approved since the last meeting of this group (4 stock and 1 domestic).

- IV. Update on various studies related to the basin (Schneider)
  - i. Hydrogeologic and Hydrostratigraphic Framework Study
  - ii. UNWNRD Conjunctive Management Model Project
  - iii. Reclamation Water SMART Basin Study

The Upper Basin portion of the conjunctive management model is ahead of the lower basin, which is in the concept phase. An operations model for Box Butte Reservoir is forthcoming. An MOU for the Basin study between DNR and Reclamation was signed in April, 2011. The integration of the models should occur in summer, 2012. Reclamation will then develop the climate and economic scenarios, with a completion date of April, 2013. Jim stated that the progress on the various models could be demonstrated at the April, 2012 Technical meeting.

- V. Any needed Compact discussion

The Compact does not define a commission and two states agreed that these once per year update meetings satisfy the requirement of the compact. Jim said there had been no activity in the litigation on the compact in Nebraska. The original judge in the case has retired and the state is unclear on what remedy the plaintiffs are seeking. One plaintiff has dropped from the case.

- VI. Discuss future meeting arrangements (Schneider/Tyrrell)
  - A. Continuation of Technical Group

April 13, 2012 (the day following the NRDC meeting) in the morning in Scottsbluff was selected for the next Technical Group meeting date.

- VII. Other items

There were no additional items.

Sue Lowry  
February 17, 2012