

FINAL MEETING MINUTES

North Platte Decree Committee (NPDC) Meeting

1:00 p.m. Mountain Time, November 2, 2021

Microsoft Teams Meeting

Online Conference

1. Introductions

1.1. Committee Heads

Chair - Carlie Ronca representing United States Bureau of Reclamation

Tom Riley representing Nebraska Department of Natural Resources

Greg Lanning representing Wyoming State Engineer's Office

Erin Light representing State of Colorado Division of Water Resources

1.2. All Roll Call:

Tom Riley – NE

Jennifer J. Schellpeper – NE

Jeremy Gehle – NE

Tom Hayden – NE

Ryan Kelly – NE

Jim Ostdiek – NE

Emily Rose - NE

Dan Sternkopf – NE

Shelly Meyer - NE

Phillip Paitz – NE

Greg Lanning – WY

Jeff Cowley- WY

Michelle Gess - WY

Brian Pugsley – WY

Rob Foreman – WY

Bern Hinckley – WY

Jeff Cowley – WY

Erin Light – CO

Carlie Ronca – USBR

Lyle Myler – USBR

Mike Follum – USBR

Brad Cannon – USBR

Ian Blythe – USBR

Matt Wells – USBR

Levi Mickelsen – Basin Electric

Steve Smith – Enterprise ID

Melissa Mosier – Audubon Ne

Lars Dorr – rPlus Hydro

Mathew Shapiro – rPlus Hydro

2. Review Agenda

2.1. No changes requested

3. Approve Minutes from Spring NPDC Meeting:

3.1. NE – Move to approve minutes.

WY – Second

Motion Passes

4. Water Administration, Operational/Accounting, Allocation Issues, Other

4.1. Brian Pugsley (WY) - 2021 was a year of shortages as far as ownership and content. Below average snowpack throughout the year in the upper and lower basins, except for mid-March when we received a significant snowstorm in the Casper – Douglas area that in some places received in excess of 20 inches of snow depth and in some spots, 3 to 4 inches of snow-water equivalent, which really helped out the lower basin. When you look at which ownerships did fill this year, Guernsey, Inland lakes and Glendo all filled prior to the start of irrigation season (more or less) which we attribute to that sizeable snowstorm that hit in March.

Wheatland Reservoirs 3 and 2 did not fill this year. Wheatland accrued 90 kaf. It holds 98 kaf so it was close. Wheatland 3 also did not fill. It reached 33 kaf and its capacity is in the 70 – 80 kaf mark. Gray Rocks Reservoir did fill, which I think can be attributed to that March snowstorm. Hawk Springs Reservoir also filled. Laprele Reservoir, in the Douglas area did not fill. It is currently under a fill restriction because they have some issues with the stability of the dam, so the State Engineer's Office has it on a fill restriction of about 60%.

Peak flows were very low. Sinclair only peaked at about 3,200 cfs which is uncommon for that gage. We also only saw about 500 cfs at Medicine Bow and about 200 cfs on Sweetwater; so very limited flows came into the system because of snowpack conditions.

Irrigation districts got started early this year. Interstate Canal came on around the 19th of April with the Inland Lakes Run and then a short hay run until June 5th before shutting off until June 15th and continuing until the 9th of September. Similarly, Goshen irrigation district came on about the 13th of May and ran until June 2nd before turning off for 13 days and then coming back on, on the 15th of June and ran until the 3rd of September. Casper – Alcova ID turned on May 1st and did not shut off until September 30th, so a lot of water was run throughout the year by the districts.

Replacement obligations that Wyoming has for triangle irrigation wells that were exercised in 2020 and a carryover of tributary diversions from September 2020 were released. We incorporated about 6,308 af of replacement obligation into the system, all of which came from Wyoming's Glendo Account. We also incorporated 247 af of May, June, and July 2021 triangle tributary replacement obligation. We also had replacement obligations in August and September but because the Irrigation Districts were shutting off in early September, we decided to hold August replacement until next

year. I visited with both Nebraska and the Bureau regarding this so we have about 267 af that we will put out along with our well replacement water from 2021 next year in 2022 when natural flow starts to fall off.

Because this was an allocation year, the Alcova to Guernsey pumpers were monitored every 2 weeks as specified by Exhibit 5 of the Modified Decree. Those reports were not sent out in a timely manner due to a miscommunication but have since been sent out by Cheyenne. The maximum 2-week diversion was 5,306 af in the week of July 24th to August 6th, which was well below the 6,600 af which is used as a threshold.

Environmental Account (EA) water was moved this year, but we did not move any Wyoming account water. Wyoming Water Development felt that due to the shortage in that account they should not sell any additional water to the program. About 9,300 af of EA water was moved out of Guernsey from August 30 to September 8th.

No major weather events occurred this year and the outlook for next year looks like it could be even worse unless we start seeing some snowpack in the drainage. I stand for questions.

- 4.2. Lyle Myler (USBR) – System inflows totaled 709 kaf for 2021 which is about 53% of average. System storage at the end of September was 1,260 kaf, which is roughly 86% of average and 45% of system capacity. Kendrick ownership ended the water year with 953.5 kaf, which is 79% of full and about 109% of average. North Platte account ownership ended with 152.2 kaf, which is 14% full and 35% of average. Wyoming account ownership ended the with 11.2 kaf in storage. On September 30th we also had 180 af in the Environmental Account which accrued after the deliveries that Brian had mentioned from August 30th to September 8th. Glendo account ended with 134.2 kaf which is 78% of capacity and 102% of average. Inland Lakes was fully utilized and ended with 0 af on September 30th. Guernsey Ownership filled on March 29th. The operational account filled the 15 kaf on May 5th, Glendo ownership filled May 14th, and Inland Lakes filled on April 16th. The two accounts that didn't fill this year were Pathfinder and Kendrick. The Wyoming account in Pathfinder did peak on June 12th at 11.6 kaf. The Environmental Account also peaked on June 12th with 10.7 kaf in storage. As Brian mentioned, we did have an allocation on the system this year. The June 1st supply forecast was below the 1.1 maf trigger, indicating that allocation was expected. That letter was sent on June 4th and we had a follow up meeting with North Platte Irrigation contractors on June 15th to talk about allocation procedures. Then on June 17th the first water supply allocation letter was sent out and then followed weekly for the rest of the water year. We did do our October forecast of the supply which came out to be about 1,308 kaf, so we are not currently expecting an allocation next year. That October calculation is based on averages, so it will be trued up when we start getting into our snowmelt forecasting in February.

Some projects which are affecting water operations. The intake gate on the Guernsey Powerplant is being refurbished. Releases from Glendo are completely shut off. The gains below Glendo are being passed through Guernsey while we are doing work on that intake gate. In the upper system, we have positioned water in Seminoe to take advantage of the low conditions to exercise our Seminoe Spillway gates through full travel without water on the spillway crest. So right now, the forebay elevation is approximately 6,305 ft which will allow us to perform that test sometime in March depending on other activities at Seminoe Powerplant.

We are tracking water being passed at Guernsey due to that project. In September after irrigation releases were completed, the Central Nebraska Public Power water was delivered. There has been approximately 2.4 kaf passed from Guernsey due to that gate operation. Looking to October, the average gain (last 5 years) was 1.2 kaf and last month it was 1.1 kaf which would have been stored in Inland Lakes account that was passed. We are tracking that on a daily basis in our ownership accounting under footnotes Q&R so you can look at that and see the water that is being passed.

With regards to our winter releases, we have about 530 cfs going out of Kortess. Alcovia is at the winter operating level of 5,488 ft and we are releasing 450 cfs from Gray Reef which is about 50 cfs less than we normally do. That 450 cfs was announced in a news release on October 28th and was coordinated with Wyoming Game and Fish. The benefit of decreasing that release out of Gray Reef was that it helps us hold water higher in the system and helps us avoid going into the flood control space at Glendo (which the Army Corps of Engineers has us evacuate immediately). All releases from Glendo, including the 25cfs low flow valve have been shut off because of the project at Guernsey. There was a release of 9.3 kaf of environmental account water from August 30th through September 8th. That's all for my report, I will entertain questions if there are any.

Question from Brian Pugsley (WY): I understand that you did a cable test of the Gray Reef gates earlier this month or late last month, I was wondering what the results of that test were and if the cables required much adjustment.

(Lyle defers to Mike Follum)

Mike Follum (USBR): Brian I will have to get back to you on that, I don't have an answer for at this moment.

- 4.3. Tom Hayden (NE) –Well, we are at the tail end of it, so I'll just go over what happened from the State Line down to Lewellen. Usually that section of the river starts pretty low and this year it really started low. The three or four big canals started before an allocation was declared and the water coming down the river was shut off all of a sudden. The creeks and bank storage were primed by this start up – shut down sequence and it helped many of the small canals even while the river was at about 300-400 cfs. In fact, Brown Creek Canal didn't need to divert any storage water which is a rarity. At Lewellen in the spring there was a good rain that got the river up to about

1,000 cfs which helped us go down below Gothenburg. Four of the canals ordered storage water which helped us as well because some of the water returned to the river which was used in some of the lower sections.

In Bridgeport, the normal 30 Year average rainfall is 17.78 in. This year we had 11 inches in all. From June to September, we only got 3.3 inches of rain in that section, but we had the rains east of us around Lewellen which kept the river fair although Jim still had to do quite a bit of administration down around Gothenburg. The temperature from May to September was 90 degrees on average and many days over 100 degrees which was harmful.

High levels of spring snow had accumulated and prevented farmers from planting beets until May. Some ended up having pretty good beets, but many areas were wiped out due to hail. There was a lot of hail in the valley and many farmers had to replant several times just to get a crop. Prices were really good for the farmers this year which they were happy about.

- 4.4. Erin Light (CO) – Like the rest of the NP, we were very dry in Colorado. Fortunately, we did have a little bit more moisture in the NP basin than we did in the Yampa and the White River basins but even with that the NRCS SNOTEL sites in the NP and Laramie basins for WY 2021 was 77% of average. It has been a great October however – northwest Colorado has gotten a lot of precipitation, including in the North Platte Basin. October precipitation was 113% of average in the North Platte headwaters and 107% of average for the North Platte and Laramie River basins combined. This, however, has not necessarily helped stream flows at the North Platte River near Northgate. Flows there are still well below average. On November 2nd, it was running 120 cfs which is quite a bit of gain over the last few days, but the average is around 165 cfs at the gauge. Additional information on the North Platte near Northgate, flows dropped as low as 39 cfs in September which is very low. The peak at that gauge occurred on June 8th at 916 cfs which is well below average. The normal peak is around 3,100 cfs. As far as local administration, we did have calls on both the Michigan and Illinois Rivers most of the summer and right now we do have a call on the Illinois River to fill Walden Reservoir which was completely drained this summer. It was mostly drained for irrigation purposes but since it was so low, they completely drained it so that they could perform some dam safety inspections on it. Now they are going to do everything they can to fill it. There is not much water in the Illinois River, and the reservoir is storing much water. We will hope for a better spring so that they can fill Walden Reservoir since it is a critical source of water for the irrigators downstream of that reservoir.

As far as the decree limitations for 2021, I don't have any final numbers, but we have never had any issues with irrigated acres and given a dry year like this, we are not going to exceed this limitation. Trans Basin diversions are going to be a bit smaller than

even last year. I am predicting they are going to be around 2,200 – 2,300 AF. The amount stored for irrigation in 2021, I predict will be below 17 kaf just given the preliminary data we do have available. With all that said, I think some of you did see an updated or revised report which corrects errors in the April Report for WY 2020. All of the numbers actually went down.

As far as other interests for folks, I mentioned last time that in September of 2019, I issued almost 600 orders for the installation of operable head gates and measuring devices both in the Yampa and North Platte basins. To date we have about 74% compliance, that is about 74% of the structures that we maintain records on in North Platte River basin now have measuring devices. Prior to issuing the orders we had about 60-65% compliance. So, we have gotten some compliance, but we still have about 140 structures that we currently maintain records on without measuring devices in the North Platte Basin. With that said, in addition to the orders, because it has become a priority for our director, Kevin Rein, that all structures are equipped with measuring devices, he is in the process of developing measurement rules in Division 6 which does include the NP basin. In October he held stakeholder meetings and there will be a final meeting on November 15th before the final draft of these measurement rules will be developed.

Question from Tom (NE) for Erin Light (CO): Are you or director Rein getting much pushback from Water users for instrumenting these rules?

Erin Light (CO): We have seen a bit more pushback in the NP basin than in the other basins. Partly because Division 6 has stream systems on both sides of the divide and in the Colorado River basin it has become clearer and more evident that we have all of our water usage measured as it relates to the Colorado River compact. Users on the NP are struggling with being lumped into the issues in the Colorado River Basin. With that said however, the NP basin is a lot better than the rest of my area in the Yampa, White and Green River basins where there is a lot less compliance with our statute that require measuring devices.

5. Informational Items

5.1. Gering Ft. Laramie, Goshen Irrigation District, Fort Laramie Canal Tunnel Repairs.

Carlie Ronca (USBR): As you recall in the spring, I reported that Goshen Irrigation District was working to attach steel sheet metal onto the temporary repair ribs to reduce the flow issues that they had last year. Both districts were pleased with how that turned out. They were able to push nearly full supply – 1,200 cfs vs ,1400 cfs which is full canal. Gering Ft. Laramie ID is working on some of the lower priority recommendations, they're called Category 2, they had already finished their category 1 recommendations prior to the irrigation season and so they're submitting information to Reclamation, but

really, they are on a non-urgent path to finish their recommendations. They are able to move water.

Goshen Irrigation District is still operating the tunnels on temporary repairs and they have recently hired HDR to reconsider the options they have for the permanent repairs to tunnels 1 and 2. Their board had previously made a decision for permeation grouting and they have gone through a couple of different thinking cycles for other options, so they have decided to hire a consultant to help them through that process. Nothing has been submitted to reclamation in terms of acceptance for design plans yet and they don't have a firm schedule of when that will be coming.

5.2. Basin Electric Power Company

Brian Pugsley (WY) –Back in 2019, Basin Electric approached the NPDC about the possibility of removing the Johnson Well fields from Exhibit 3. After several meetings, we contacted Levi because we determined that based on what the brown book had indicated, we needed to have concurrence from Basin Electric for removal from that exhibit – I have received that letter. That letter was dated August 12th and I believe I forwarded that on to all the principles. Unless anyone has anything else to add, I believe we will discuss this at the annual Control Crest Subcommittee meeting, and we have not met since receiving that letter so I will probably report that in our spring NPDC meeting and probably make an action item in reference to that letter.

5.3. Platte Alliance Water Supply

Carlie Ronca (USBR) – No contact with our office, no change from our perspective.

Tom Riley (NE) – No new information to provide.

Jeff Cowley (WY) - A consultant stopped by and asked if I could suggest how he could best apply for the water rights for PAWS, and I was a little taken aback because I didn't know it had moved that far forward. So, I asked him what the current plans were, and he wasn't sure, so I didn't really give him any advice. It will either be an SW1 or an SW3 depending on if it's a diversion or a reservoir so... someone is moving somewhere but I don't know exactly what the plan is yet or what version of the plan it is.

5.4. Seminole Pumped Storage

Brad Cannon (USBR) – Seminole Pumped Storage has been a topic on past NPDC agendas, and we have had general updates and progress reports. For this meeting we invited representatives from rPlus Hydro to attend the meeting and give some updates firsthand on where they are at and where they are going.

Mathew Shapiro (rPlus Hydro CEO) - rPlus Hydro is a developer of pumped storage hydropower projects affiliated with a renewable energy company called rPlus Energies. If you are not familiar with pump storage, it is the oldest form of utility energy storage and it involves 2 reservoirs at different elevations. When a utility has surplus energy, in this case wind, it pumps from the lower to the upper and then when power is needed,

that water can be released through the turbines to generate power and flow back into the lower reservoir. This site by Seminoe Reservoir has been studied on and off for several decades and we really started to ramp things up a couple years ago, looking at the feasibility of this project and the permitting aspects of it which are very complex because it needs a lease of power privilege from the Bureau of Reclamation to use Seminoe as a lower reservoir and a license from the Federal Energy Regulatory Commission (FERC) for all the portions of the project outside of the Reclamation boundary. So, it needs these two types of permits in addition to the other state and local permits. So, in 2019, we did a recon engineering study which built on previous studies that Reclamation has done before. We were originally aiming for a 750 MW facility which is pretty big, but we are now actually aiming for a 900 MW project which is equivalent to the power output of one of the regions coal plants; so that is the kind of power we can generate with a 1000 ft vertical drop. We would have a storage duration of about 10 hours. The upper reservoir would have a footprint of roughly 100 acres and 10 kaf storage capacity and again that water would be cycled up and down in this energy storage process. We are in our second round of engineering study and getting ready for some Geotech next year and applying for the permit to do some of that. We have an interconnection application in to tie into the Pacific Corps Aeolis substation about 30 miles away. We have been doing exhibit studies in preparing for filing of exhibits for the FERC application which will get going probably March or April of next year. We would like to have a project that is fully licensed and permitted by 2025 and a 4-year construction period to hopefully in 2029 begin providing large scale energy storage for the grid in Wyoming.

Lars Dorr (rPlus program manager): The key point is that the volume of water we are looking to pump out of Seminoe is about 10 kaf into the upper reservoir for the cycle. Operation would depend on the grid operations and what the optimal use for that energy is. The only actual water loss would be through evaporation on the upper reservoir and would be on the order of 200 af per year. That number will get fine tuned as we finalize the design and get more precise estimates.

Question from Nebraska: You calculated 200 af annual loss on a reservoir with 100 surface acres?

Mathew Shapiro: Yes, that's because it will very rarely be full, the water will always be cycling, and 100 surface acres is the absolute max.

Carlie Ronca (USBR): Can you explain your work for water rights and how do you see that interplay with the contract and your bigger project?

Mathew Shapiro (rPlus): Two years ago, we did a round of visits in Wyoming to get a feel for the water rights situation and it is of course fully appropriated. Our thoughts went to; who has 10 kaf that we may be able to contract with to reserve for our utilization? We don't have a definitive answer on that yet.

Lars Dorr (rPlus): We are still at the forefront of that discussion in figuring out how we manage that.

Jeff Cowley (WY): I was in the meeting with Mr. Shapiro back in the beginning and now Michelle Gess is the NP coordinator, so if that 200 af of new depletions wouldn't already be happening when it was sitting in Seminoe, we would need to figure that out and come up with a new depletion number, because if it is 200 Af of additional depletion we would need 200 AF of mitigation to keep the river whole for the PRRIP (Platte River Recovery Implementation Program) program and that still needs to be decided. As you are pumping in and out of Seminoe, you could be changing the elevation of Seminoe enough that it might not all be new surface area. That is something we will need to nail down a little tighter but once you finally do apply with us, Michelle will review that and have discussions with you on that piece.

5.5. Enterprise Glendo Contract:

Carlie Ronca (USBR) – As you remember the last time we talked, Enterprise had come to Reclamation questioning a provision in their contract and arguing that they believed they would be able to contract to allow for any third party to request their water if it weren't being used. Previously, Reclamation had communicated that to the three irrigation contractors in Nebraska. We took a closer look at that and you remember I reported that we did agree with their interpretation. So, they had that answer in hand the last time I reported in the spring.

Since then, they are continuing to consider the information they received from us, they asked Reclamation for more information on accounting records out of Glendo reservoir and we did provide those on May 28th and since that time we have had no further contact with them on the subject. Tom, at one point we had a discussion and possibly Nebraska was interested in understanding the information and I don't know if you have had further discussion regarding that water as well.

NE – We have not heard anything from Enterprise. I am trying to recall our last question was, we would obviously want to and need to have some approval at our own state level on that, but we have not engaged them directly and haven't heard anymore, so I don't have anything to add to that.

Brian Pugsley (WY) – Are you saying that Enterprises contract is different from some of the other Irrigation District's contracts in relationship to the ability to sublease their water?

Carlie Ronca (USBR) – They are not allowed to sublease, if they are not using their water, then it goes back to Reclamation to contract for it, so they are not allowed to sublease. I believe the contracts in Wyoming are the same way. Can you confirm that Brad?

Brad Cannon (USBR) – That is correct, they are the same between Wyoming and Nebraska. The Wyoming Glendo water has to stay in Wyoming and the Nebraska Glendo water has to stay in Nebraska.

Brian Pugsley (WY) – I was confused as to what exactly Enterprise is asking to do.

Carlie Ronca (USBR) – Specifically they were looking to enter into a relationship with PRIP and sell their water to PRIP, but we did indicate you can't sublease. If they are not going to use it, it comes back to Reclamation to then contract with PRIP. But there would be some sort of contract opportunity that Reclamation would be willing to entertain and request to enter into some sort of agreement or contract for that unused water. That's where the ball lies right now, that request has not come in and I don't know where they are at in their discussions.

NE – To follow up on Brian's comment and question, the water would go back to BOR and they could choose whoever to contract with it. They wouldn't turn back water to BOR and direct BOR to send it somewhere else correct?

Carlie Ronca (USBR) – If we had a contract and we all came to agreement and that was the arrangement that would be a possibility. We aren't committing at this time because we don't have a request in. We don't know what it looks like we don't know what agreement they are trying to work with PRRIP, but the idea is that Reclamation may have the flexibility to enter into a contract almost like a third-party contract with Enterprise and PRRIP and Reclamation.

NE – So we have just identified it's a possibility that the water could be colored such that it might be able to pass through to a third party. One last question on the accounting information that the Enterprise folks did request, is that information different from information that the states would receive from Reclamation?

Carlie Ronca (USBR) – Certainly it is available to the states if you desire to have it.

NE – I desire to have it.

Lyle Myler (USBR) - Typically we provide an accounting of Glendo at the end of the year and typically in October, November time frame we look at the usage and what remains in storage and I believe that was the information we provided. So, it was nothing additional to what the states receive. Just the normal report that we give to the states as well.

NE – Very well I just wanted to make sure that if they came to us with a package, we would be able to respond and know what they were talking about. Thank you, I stand down in my request.

6. Reports of Standing Subcommittees

6.1. Ground Water Wells Subcommittee:

Jeff Cowley (WY): We will be naming Michelle Gess as our chair. There is no report from the groundwater wells.

6.2. Control Crest Subcommittee:

Brian Pugsley (WY): There is no report from the Control Crest Subcommittee at this time.

6.3. Consumptive Use Subcommittee:

Jennifer Schellpeper (NE): The committee has met 4 times since the April meeting. You should have received the report from Dan Sternkopf, there are several action items

that I will bring forward at the end of my report. No new action on the weather stations, we are collecting weather data and the invoice that was submitted earlier this year has been paid. We have talked about available data and methods for calculating consumptive use at each meeting, we are continuing to discuss the possibility of using open ET. We have been waiting for the folks at NASS to publicly release that data for use through an API or batch files. There was a recent public release of data this past Thursday, that can be retrieved at an individual field level, but is not useful for large scale application of the data. They aren't expecting the APIs to be available for a few more months. We have been able to test the API's and batch files but since that data hasn't been officially released, it is not yet considered reliable data. Funding has been and continues to be a concern. We have been reviewing the existing methodology that Wyoming uses to calculate consumptive use, that's the exhibit A methodology, following up on some items in exhibit 6 that discussed developing a database where the actual consumptive use could be calculated by all parties. Nebraska has developed some scripts and begun to do some documentation on that. As we've been reviewing those spreadsheets, we have come across a couple of irregularities which we are trying to identify, and we are working to compile a list. So far what we have found have very minimal impacts on the calculations. We will bring forward that list when it is more complete. Overall, we want to keep working on this, keep moving forward. We also discussed the removal of the consumptive use cap from the modified decree and the members agree that it was a possibility, the cap would then be contained in exhibit 6. This is one area where there would be overlap between legal expertise as well as technical expertise and understanding of the methodology of the caps. One of the action items will be discussing who would be the right people to continue working on that, whether it is CUSC or some other committee. It was brought up by Wyoming that since the CUSC was putting this information into a database, and automating the process, perhaps going forward we could look at a more collaborative approach to making these consumptive use calculations right now. Currently Wyoming independently sends in their report, but if we create this database, maybe that is something this subcommittee could actually do as part of the effort. We also talked about the survey. Last year NPDC members approved a one-year extension to doing the survey above the Guernsey Reservoir and the last time the survey was performed was in 2011 and last fall when the NPDC approved the survey they also approved having the CUSC review use of NDVI information as an alternative to the survey. There was a proposal from Wyoming as well as back and forth with Nebraska. Some preliminary data has been received from the folks at Climate Engine. That data consisted of 199 polygons from the year 2000 with annual data like mean, max and NDVI as well as daily precipitation (not comprehensive list). This data was received very recently and has not yet been analyzed by the CUSC. In addition to that information, we have looked at Wyoming's acreage inspector reports and NASS census of agriculture information. When we put all of this information together, there are still some missing pieces that the survey would get to that aren't available from these other sources. We haven't compiled a list yet because we don't know what the NDVI will or will not answer in comparison to the survey. You will find as an attachment to this report the same set of

surveys that was used last fall because one of the questions coming to the NPDC is whether or not we want to move forward and send out that survey again this year or take a different approach. Another attachment (J) to the report is a list of pro and cons to moving forward with the survey or taking another approach. The cost estimate for sending out the survey above Guernsey reservoir is still ~\$30,000 based off last year's estimate. Moving into the triangle area survey of irrigation practices: recommendation is for a one-year extension to the survey timeline while we continue to review exhibits 6, 10,11 of the decree. Six action items are being brought forward by the CUSC and you can see the full description of those in the CUSC report. In short summary those items are:

- Determination of the survey.
- Determination of CUSC to look for alternatives to the survey.
- Continuing to work on methods for Exhibit A
- CUSC role on discussion of cap.
- One year extension to triangle surveys
- Accepting the CUSC and replacement water subcommittee report

Jeff Cowley (WY) – Regarding action item 1, Wyoming's position is that we would rather not spend the money on the survey. This is an area where Wyoming did not come to consensus with Nebraska as Nebraska does want to do the survey. – Reference to page 280 of Brown book that the NPDC can decide to stop conducting the survey if they find it to be unnecessary. We would prefer to do some other type of study with different data. We would prefer to use our funds to do a more pointed study with some of the data that we already have.

Tom Riley (NE) – Nebraska is still interested in this type of information, however we decide on doing it. We had a similar discussion in April, but we are interested in finding the most efficient and best method we can use in collecting the information but when it comes to understanding the consumptive use and the cap that comes with it, we just need to find a good place to land. I appreciate the comments that you provided on the survey portion. Certainly, if there are better ways to do it that the group is discussing, we should think about pursuing that.

Greg Lanning (WY) – Should we give this a one-year extension to give time to consider the other options we are considering at this point.

Tom Riley (NE) – Agrees that another year extension would be appropriate.

Greg Lanning (WY) – Motion to extend by 1 year decision on whether or not to conduct the survey.

Tom (NE) – Second

Motion passes.

Tom (NE) – Regarding the second action item, move to have CUSC continue to look for alternatives to survey.

Greg (WY) – Second

Motion carries.

Greg (WY) Move to approve action item 3 as written.

Tom (NE) – Second

Motion passes.

Discussion about Action Item 4. Given that the CUSC is still working on a new methodology for the calculation of Consumptive Use, further legal work may be premature and can wait until such time as more work is completed by the CUSC. As needed, legal questions can be brought up by either party regarding this topic.

Tom (NE) – Move to set action item 4 aside.

Greg (WY) – Agree to set action item 4 aside.

Greg (WY) – Move to approve action Item 5 as written.

Tom (NE) – Second

Motion Carries.

6.4. Finance Subcommittee:

Jeff Cowley (WY) – As can be seen on the Finance Subcommittee report, Nebraska Community Foundation has worked through at least the Weather Station invoice as of September 30th. Balances for each party are as follows: Nebraska \$0.37, Reclamation \$0.28, Wyoming \$20,540.38. Those balances are added together and shown in Attachment One the Nebraska Community Foundations latest report. Item number 2 talks about how Wyoming has taken over the weather station maintenance and on April 14th, 2021 we submitted the bill for \$14 thousand and change. Those balances have been transferred so essentially those bills have been paid to Wyoming and just as a reminder this bill is \$6,000 higher than normal because we bought the Devils Gate / Alcova weather station from Pathfinder Ranches and moved it. The next item in the report deals with the Official Files Subcommittee. We pay for the document and database management from the Flatwater Group. On September 20th, they submitted their invoice number 21-2845 for the agreed upon amount of \$5484.00 for the work they completed from July 1, 2020 through June 30, 2021. That bill will be taken care of by the Official Files Subcommittee group, but it is also Attachment two here.

The item that we will need to discuss in this group and maybe take an action on, is Amendment 3 between the NPDC and the Nebraska Community Foundation will expire on April 30, 2022, so in order to be ahead of the game, Diane Wilson and I took our best shot at Amendment 4 (Attachment three of this report). It has been essentially agreed to in form by our AG, but I am sure it will need some future modifications. I was hoping the NPDC would approve Nebraska and the Bureau to move forward because that agreement needs to be signed by Diane Wilson, BOR, Wyoming, Nebraska, Colorado, and our 2 AG's.

Essential Action Items to discuss:

- NPDC / NCF Amendment 4 completion.
- Acceptance of Report.

Carlie Ronca (USBR) We will look at this and either sign it or give indication that we would be willing to sign it before April meeting and be in contact with you with comments.

Erin Light (CO) I would be more comfortable showing it to someone else to look at as well.

Tom Riley (NE) I recommend moving forward with this in case there are necessary changes, it doesn't seem like there is an action at this time.

6.5. Official Files Subcommittee:

Ryan Kelly (NE) - Will go over the contents of report and bring up one action item regarding approving the flat-water group contract for payment. The start of the report talks about how we have sent out the spreadsheet from the official files subcommittee in a slightly different manner and that has to do with data storage updates and how the flatwater group has reacted to that. There was an issue with moving files, but all historic files have been moved and historic email address that has been used will still be the correct email address (all done by Gordon Coke at Flatwater). There is a new way for NPDC member to view that spreadsheet. There is some information about contract changes as well as invoice 20-2845 to approve and that is an attachment to this report. I would also like to note that Flatwater Group is in year 5 of 5 of their contract so I believe they will go through June of 2022 so I think that will need to be discussed at the next meeting. Action item on page 2 of report:

- Provisionally authorize the disbursement of funds for document and database services.

Carlie Ronca (USBR) – As far as the funds, what was the increase?

Ryan Kelly (NE) – No change from last year to this year, I just kept that in there for consistency.

Jeff Cowley (WY) –On attachment B, the invoice is technically number 21-2845.

Ryan Kelly (NE) – I will get that cleaned up before we send it out for final signatures.

Tom (NE) – For clarity and the clean record, I would like to point out that Flatwater Group was my former firm for which I no longer have any financial interest in.

Greg (WY) – Move to approve action item number 1.

Tom (NE) – Second

Motion passes.

Carlie Ronca (USBR) – I would entertain a motion to accept all reports from the standing subcommittees.

Tom (NE) – Motion to accept the reports as noted by you.

Erin Light (CO) – Second

Motion passes.

7. Review NPDC Representative & Subcommittee Membership

7.1. Rotation of Chair

Wyoming to chair spring meeting of NPDC

7.2. Changes in subcommittee membership.

Carlie Ronca (USBR) -

- Ian Blythe added to Finance Subcommittee (David Merrell Removed)
- Ian Blythe added to Consumptive Use Subcommittee (David Merrell Removed)
- Ian Blythe added to Official Files Subcommittee (David Merrell Removed)

Jennifer Schellpeper (NE) –

- Jim Ostdiek added to Control Crest Subcommittee.

Michelle Jess (WY) –

- Michelle Gess added to Ground Water Wells Subcommittee (Jeff Cowley Removed).
- Michelle Gess added to Official Files Subcommittee (Jeff Cowley Removed).
- Michelle Gess added to Replacement Water Subcommittee.(Jeff Cowley Removed).

8. Meeting Summary

8.1. Future agenda items:

Greg Lanning (WY) – None of note from Wyoming

Carlie Ronca (USBR) – Inland lakes request for flow delivery and trigger days, but those have been on the agenda for a while so it should be known.

Tom (NE) – Possibility to schedule viewing the location of Seminoe pumped storage site.

8.2. Scheduling the Spring meeting

Group decides to schedule next meeting for April 12th at 1:00 pm located in Torrington or hosted virtually.

Meeting Adjourned