

North Platte Decree Committee (NPDC) Meeting

FINAL MEETING MINUTES

November 3, 2022

Attendee's

Representatives of the NPDC:

Lyle Myler, Bureau of Reclamation (Reclamation)

Erin Light, Colorado Division of Water Resources (CO-DWR) (Virtual)

Brandon Gebhart, NPDC Chair / Wyoming State Engineer's Office (WY-SEO)

Tom Riley, Nebraska Department of Natural Resources (NE-DNR)

Others in Attendance:

Christi Davis-Kernan	Reclamation	Charlie Ferrantelli	WY-SEO
Mahonri Williams	Reclamation	Connie Kersting	WY-SEO (Virtual)
Matthew Wells	Reclamation	John Starnes	WY-SEO (Virtual)
Belay Nerea	Reclamation	Jennifer Schellpeper	NE-DNR
David Merrell	Reclamation	Jeremy Gehle	NE-DNR
Michelle Gess	WY-SEO	Jim Ostdiek	NE-DNR
Cory Rinehart	WY-SEO	Ryan Kelly	NE-DNR
Trevor Heigel	WY-SEO (Virtual)	Kody Schwager	NE-DNR
Rob Foreman	WY-SEO	Kevin Bjarnason	NE-DNR
Jeff Cowley	WY-SEO	Rick Miller	PID
Tyler Beddingfield	WY-SEO	Dennis Strauch	PID

The NPDC meeting was called to session at 1:05 p.m. MDT on November 3, 2022, at the Brandroom at the Goshen County Fairgrounds with a virtual option. Mr. Brandon Gebhart, the current NPDC chair, conducted the meeting.

1. Introductions

Attendees listed above and sign in sheet is reported in Attachment 1.

2. Review Agenda

A draft proposed agenda was distributed via email to the NPDC members on September 27, 2022. A final proposed agenda was distributed on October 26, 2022 (Attachment 2). There were no suggested changes to the agenda.

3. Approve Minutes from April, 2022 Meeting

Mr. Brandon Gebhart asked for any comments or edits to the meeting minutes from the April 12, 2022 meeting; there were none from Reclamation nor Nebraska (Attachment 3).

Motion by Tom Riley to approve April minutes. Lyle Myler seconds, no further discussion. Motion passes by unanimous vote.

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

4.1 Wyoming

Mr. Cory Rinehart reported 2022 was very similar to 2021 with average to below average snow pack, and additional precipitation events in May that helped the water supply. Reclamation made a call for administration between Pathfinder and Guernsey in March however after review Mr. Gebhart did not validate the call. Reclamation placed another call for administration Above Pathfinder and Pathfinder to Guernsey in April which Mr. Gebhart honored on April 7, 2022. Administration continued through April; the priority from Pathfinder to Guernsey shifted from the priority date of December 6, 1904 to April 23, 1923 when the Inland Lake Account filled on April 29, 2022. In May, allocation began for diversions between Pathfinder and Guernsey and WY-SEO staff reported the total diversion amount for each two-week period through September 30, 2022; the maximum reported diversion was 5,846 AF. Sinclair, Medicine Bow and Sweetwater gages all experienced peak flows in early spring and then slowed down with cooler temperatures and then peaked in June. Smaller reservoirs including Wheatland #2, #3, Hawk Springs and LaPrele Reservoirs did not fill. Replacement obligations for 2021 Triangle Irrigation wells were delivered in May. Tributary replacements totaled 635 AF with the exception of 104 AF from September, 2022 which will be paid back in 2023. The environmental account totaled 16,640 AF and this water was released from September 4, 2022 through September 30, 2022. The final item reported was the Pathfinder Canal breach this summer. On July 1, 2022 the Pathfinder Canal breached. The WY-SEO commends Mr. Rick Miller and his staff for the work to stop the breach and rebuilding of the canal. There was 250 cfs starting down the canal by July 8, 2022. Mr. Gebhart commended Mr. Miller and Pathfinder Irrigation District (PID) for their response and effort throughout the whole process.

4.2 Bureau of Reclamation

Mr. Mahonri Williams reported the overall system inflows Water Year 2022 as 915,000 AF (70% of average). The season ended with 1,114,000 AF total system storage in all of reservoirs (76% of average; 46% total capacity). As of September 30, 2022 the Kendrick ownership had 832,000 AF (94% of average), North Platte ownership 154,800 AF (35% of average), and Glendo ownership 118,200 AF (90% of average). The district carryover from the allocation is 116,993 AF and will be available to the districts next year if there is another allocation. The October Allocation letter stated an allocation was not expected. Mr. Williams cautioned that the calculation is based on long-term averages meaning the reservoirs could be almost empty however based on the long-term averages the calculations in October would suggest there is no call for

allocation. The project at Guernsey was completed in the Spring and the project at Seminole Power Plant to replace/repair the roof was completed in Fall 2022. Reclamation is operating under wintertime flows in the North Platte. Seminole to Pathfinder is 530 cfs and Alcova to Grey Reef is 450 cfs; Reclamation is trying to hold a little more water in the upper system to allow for more space in Glendo. Releases from Glendo are 25 cfs and this water is captured in Guernsey. In addition to the environmental water release discussed by Mr. Rinehart, 9,600 AF was also released in September for the Platte River Recovery Implementation Program. The releases were coordinated to coincide with the end of irrigation releases. Mr. Gebhart asked Reclamation if there are any projects in the upcoming years that would impact flows or the ability to store. Mr. Lyle Myler responded there is nothing on his radar but will follow up with the maintenance side. Mr. Gebhart relayed he didn't need a follow up.

4.3 Nebraska

Mr. Jim Ostdiek reports it was a tough year in Nebraska with the continuing drought conditions; 100% of the state is covered by some level of drought. Administration for Natural flow started May 21, 2022; the deepest administration was to January 1, 1893, with up to 250 rights closed. All natural flow rights were opened on September 9, 2022 leaving only rights closed for instream flow and senior storage rights. The environmental account in Lake McConaughy started the year with 103,000 AF, with releases made in May and June of around 80,000 AF for vegetation suppression. Transfers from Wyoming, leased water and other credits totaled close to 40,000 AF. The environmental account in Lake McConaughy ended the year with 82,363 AF. Lake McConaughy started the year with 989,000 AF which is 62% capacity, throughout the summer the Reservoir peaked May 4 with 1,180,000 AF and the lowest in capacity was September 20 with a capacity of 634,000 AF; Lake McConaughy ended the year with 652,000 (37% full). The inflow at Lewellen dropped to 90 cfs on August 5, 2022.

4.4 Colorado

Ms. Erin Light reported the current snowpack in North Platte and Laramie River basins combined is 54% of average, however there is more concern with snowpack in February than October. The daily average flow at the end of October was 100 cfs at North Gate which is below average, with the average being 160 cfs. The peak at North Gate occurred on June 14, 2022 at 2,130 cfs which is substantially below the average peak of 3,100 cfs. There were no administrative calls on the North Platte or tributaries largely due to precipitation during the early part of the summer. The preliminary diversion amount taken to the Cache la Poudre River from the Michigan River was 4,700 AF based on Michigan Ditch diversions. There is no data for the Cameron Pass ditch as of the date of the meeting but it does not take a lot of water over to

the Cache la Poudre. Colorado will not be close to the 60,000 AF cumulative limit for trans-basin diversions. Storage of water in reservoirs in 2022 totaled roughly 14,000 AF and remained below the 17,000 AF cap. There was little to no fall storage based on preliminary data and calculations and the water users did not have to release a lot of water due to the precipitation. Ms. Light is anticipating that the final amount of water stored will be a little larger than 14,000 AF but will not exceed the 17,000 AF limit. Colorado has been making an effort to require measuring devices on all diversion structures. The first push was in September 2019 by issuing orders to everyone who didn't have a measuring device on their ditch. In 2021, the State Engineer began a process developing measurement rules in all Division 6, including the North Platte River basin. In fall of 2021, there were 7 stakeholder meetings where water users could provide comments on the rules. On October 28, 2022 the measurement rules were filed with the water court; if there are no protests the rules will take effect in April 2023. For the North Platte River Basin, 74% of diversion structures do have measuring devices leaving 140 structures without measuring devices. **Informational Items**

4.5 Gering-Ft. Laramie/Goshen Canal

Mr. Myler provided an update. Prior to the collapse in 2020 the canal capacity through the channel was roughly 1,500 cfs however with the temporary repair with the ribs, the capacity was reduced to 1,200 cfs. In 2021, the ribs were lined with steel sheeting which improved the flow through the canal, and in 2022 the ribs were removed and replaced by a flatter steel structure improving the capacity to 1,450 cfs. The district is still in the process of finalizing their design plan and intend to use a sequential excavation method. The Fort Laramie Canal serves Goshen Irrigation District (GID) in Wyoming and the Gering-Fort Laramie Irrigation District in Nebraska, the operation maintenance costs are roughly split 49/51 and the final design cost will be shared. The Nebraska State Legislature approved \$23 million to cover Gering-Fort Laramie costs. A \$500,000 loan was provided to Gering-Fort Laramie District to work on Tunnel #3. Construction is estimated to begin as early as Fall 2024. Mr. Gebhart added the Wyoming State Legislature approved some funding for this project through the Wyoming Water Development Office. The cost was in the \$20 million range, similar to Nebraska. Mr. Lyle reports both districts applied for funding under the bipartisan infrastructure Bill in January, 2022. Both districts were awarded \$3 million. The money associated with the infrastructure law is a loan and has to be repaid. Those agreements are not in place at the time of the meeting but Reclamation is working on them.

4.6 Seminoe pump/storage project update

Mr. Myler summarized the project. The proposal is for a 14,000 AF reservoir above Seminoe Reservoir where the water will be pumped between the two reservoirs to generate power during peak hours. There three generating units

with a proposed total capacity of 975 megawatts and 12,500 cfs. There have been discussions with Reclamation and the rPlus Hydro for water contracts. rPlus Hydro is looking to finalize the FERC application license in February 2023. Mr. Gebhart adds that the WY-SEO is continuing conversations with rPlus to determine the appropriate way to permit the project.

4.7 Pathfinder Irrigation District, Diversion of Natural Flow with Inland Lakes water Accounting Review

Mr. Myler reports there were no issues accounting the natural flow when Pathfinder Irrigation District's (PID) water was sent early with the Inland Lakes water during an allocation year. Mr. Matt Wells echoed the accounting calculations worked well this year and the PID water being sent early caused no issues. Mr. Rob Foreman stated the natural flow ownership and accounting procedures (NFO) will be modified to reflect this discussion for the Spring NPDC meeting.

4.8 Update on Canal breach

Mr. Rick Miller thanks the SEO for the previous comments and attributes the work accomplished to PID employees. After the canal was rebuilt, Mr. Miller, Mr. Wells and Mr. Dave Merrell returned to the location and the repair looked really good with no settling. Mr. Miller thanks Reclamation for assisting with the compaction. 7,000 cubic yards of material was moved to fill the breach. Mr. Myler appreciates the coordination and work PID accomplished.

4.9 Borrow/Payback

The NFO states "A loss of natural flow may be borrowed from storage and replaced from subsequent natural flow gains" (page 9, NFO). Mr. Wells explains borrow/payback is a calculation made during the daily natural flow ownership and accounting procedures (NFO) when determining if there is a negative or positive gain between Whalen and the State line. If there is a negative gain, i.e. there is a loss to the natural flow, the borrow/payback allows the option to "borrow" storage to boost the natural flow that was lost. Generally, this loss occurs when the river is watering up really quickly like this year. There was significant loss in the river at the stretch this year. Historically, this step was completed in the daily accounting because of the line in the NFO and typically lasts about two weeks of borrowing and paying back. However, in 2022, it was so dry and there was not a lot of gain in the reach causing us to borrow natural flow until July 15th and payback until August 16th due to the very little natural flow. The extended period of payback impacted water users that rely on natural flow by using the small amount of natural flow to pay back the amount that was borrowed at a time when water users really need water. The Control Crest Subcommittee meets in January and is looking for permission to look at the borrow/payback and see the impacts of foregoing the calculation in 2023. Mr. Gebhart suggests since the NFO says "may," no formal action is required. Mr. Jim Ostdiek suggests adding a line into the natural flow

along the lines of “this process will not be used in 2023 but the right is reserved to be used in future years” to the NFO. Mr. Gebhart, Mr. Riley and Mr. Myler agree that modifying the natural flow document is sufficient.

5. Reports of Standing Subcommittees

5.1 Consumptive Use Subcommittee (Chair: Schellpeper)

Ms. Jennifer Schellpeper summarized the report of the Consumptive Use Subcommittee (CUSC; Attachment 4) and reminds the group that the Replacement Water Subcommittee (RWSC; Attachment 5) meets with the CUSC so there is information between the two subcommittees in the CUSC report. The NDVI Task Force concluded NDVI may not be able to substitute the survey questions as originally intended, however Wyoming is looking at NDVI as a yield replacement for NASS values. The subcommittee’s prioritized Exhibit 6A methodologies and updating the existing consumptive use (CU) calculations. To understand how remote sensed data would fit into the existing CU methodology Nebraska created a conceptual model of incorporating remote sensed data which can be built on to create a new CU methodology. The CUSC/RWSC proposed to focus on updating CU methodologies and holding off on the surveys (Exhibit 6, 10 and 11) for a number of years. The CUSC will initially report milestone, goals and objectives to the NPDC members in Spring 2023 and continually report progress on developing a new methodology to the NPDC members at each meeting. The RWSC will continue to meet with CUSC and any information learned during updating CU that would apply to Exhibit 10 and 11 would be changed within those exhibits. Mr. Gebhart commends the work that has been completed by the group. Mr. Riley states the plan provided by the committees will help the states with achieving the goals of the states. Ms. Schellpeper adds that this might require assistance from outside resources, for example, the CUSC intends to look over the work that has been completed in the Upper Colorado River Basin that was done by Desert Research Institute with data from OpenET. Ms. Michelle Gess adds Wyoming will also provide the summarized acreage inspector data to the CUSC each year to monitor any potential changes occurring in the basin. Mr. Gebhart mentions that this could be a repair/replacement of Exhibit 6A, and not to lose sight that this could just be a repair the existing method.

5.2 Replacement Water Subcommittee (Chair: Gehle)

Mr. Jeremy Gehle relays that the RWSC meets with the CUSC and there is a report for the RWSC as Attachment 5.

5.3 Finance Subcommittee (Chair: Gess)

Ms. Gess summarizes the Finance Subcommittee (FSC) Report (Attachment 6). The first section of the report highlights the amount of money in each entity’s account. The NPDC approved the weather station invoice at the Spring 2022 meeting. The invoice for data management by the Flatwater Group was submitted in September and will be paid after the invoice is approved at the

Fall 2022 meeting. Mr. Myler questions when the contract between the NPDC and Nebraska Community Fund is set to expire and whether there is the ability to update the term length for greater than five years. Mr. Jeff Cowley responds that the five-year time frame allows for adjustments to be made to the rate.

5.4 Official Files Subcommittee (Chair: Kelly)

Mr. Ryan Kelley shares the document which each Official Files Subcommittee member edits to approve each document being added to the NPDC database. The only invoice to be paid is from the Flatwater Group for a total amount of \$5,484.00. Mr. Willams asks if extending the Flatwater Group contract will be addressed at the Spring meeting. Mr. Kelly answers that this will be discussed at the Spring 2023 meeting. The report is attached as Attachment 7.

Motion by Tom Riley to approve the four reports and respective action items as presented under agenda item 6. Erin Light seconds motion, no further discussion.

Motion passes by unanimous vote.

6. Review NPDC Representative & Subcommittee Membership

Wyoming-No changes; Colorado-No changes.

Nebraska- Groundwater wells subcommittee will need a new representative.

Reclamation-Mr. Lyle Myler as NPDC Principal, Ms. Christi Davis-Kernan as Alternate, David Merrell as Finance Subcommittee member, Official Files Subcommittee member, and Groundwater Wells Subcommittee member, Belay Nerea as CUSC member and RWSC member. Updated meeting memberships list is Attachment 8.

7. Meeting Summary

7.1 Future Agenda Items

- CUSC present plan and milestones for work to be completed on the updating Exhibit 6A at Spring 2023.
- The CCSC will address the borrow/payback and PID edits to the NFO in their report in the Spring. No need for an agenda item explicitly for these two topics.
- Review of the by-laws at the Fall 2023 meeting.

7.2 Schedule Spring 2023 NPDC Meeting and Location

The Spring 2023 NPDC meeting will be held in Scottsbluff, Nebraska on April 12, 2023 from 1:00-4:00, as confirmed by email.

The meeting was adjourned at 2:35pm.