

# MEETING MINUTES

## North Platte Decree Committee (NPDC) Meeting

1:00 p.m. Mountain Time, April 14, 2021

Microsoft Teams Meeting

Online Conference

### 1. Introductions

#### 1.1 Principals

Carlie Ronca – USBR

Greg Lanning – WY

Tom Riley – NE

Erin Light – CO (in place of Kevin Rein)

#### 1.2 Members

Lyle Myler – USBR

Ryan Kelly – NE

Matt Wells – USBR

Jeremy Gehle – NE

David Merrell – USBR

Tom Hayden – NE

Brian Pugsley – WY

Jim Ostdiek – NE

Jeff Cowley – WY

Dan Sternkopf – NE

Charlie Ferrantelli – WY

Emily Rose – NE

Rob Foreman – WY

Philip Paitz – NE

Tylor Hanzlik – WY

Shelley Meyer – NE

Jennifer J. Schellpeper – NE

Kari Burgert – NE

Beth Eckles – NE

#### 1.3 Guest

Dennis Strauch – Pathfinder  
Irrigation District

Melissa Mosier – Audubon  
Nebraska

### 2. Review Agenda (**Attachment B**)

#### 2.1 No changes requested

### 3. Approve Minutes from November 2020 Meeting

**Motion by Erin Light to approve November 2020 minutes.** Tom Riley seconds motion, no discussion, motion passes by unanimous vote

### 4. Water Administration, Operational/Accounting, Allocation Issues, Other – No motions to accept or reprove as decided in 2006

April 14, 2021

Meeting Minutes

#### 4.1 Wyoming – Brian Pugsley

Snowpack conditions tracked below average during the winter up until the 15<sup>th</sup> of March, when a large snowfall fell along the I-25 corridor. 10 inches reported in Torrington, 20+ inches in Casper, and 36-48 inches in Wheatland. Several SNOTEL sites took big jumps during storm. Casper Mtn SNOTEL increased about 3 inches of SWE with about 14 inches of snow depth going from about 63% up to 95%. Another notable increase was Windy Peak SNOTEL south of Douglas in Esterbrook area of the lower North Platte Basin with 6 inches of SWE and 33 inches of snow depth. It went from 78% to 161% of median snowpack. Not quite as much snow in upper North Platte Basin. Brooklyn Lake is one of high points on the Snowy Range side and saw 2 ½ inches of SWE with roughly 23 inches of snow depth and went from 120% to 134%. On the other side of the valley in Sierra Madres Range, Old Battle saw a little over 1-inch SWE with 12 inches of snow depth and stayed at 101% of median. Drought Monitor Index shows all of Wyoming in severe to extreme drought conditions. Should see some pretty good runoff. Bureau released forecast above 1.1 MAF threshold and no allocation expected although that could change. No Junior water rights above Guernsey regulated.

#### 4.2 Bureau of Reclamation – Lyle Myler

Water information meeting was held last Friday in conjunction with the Yonts Water Conference.

System storage as of March 31 was 1.8 MAF, which is 65% of full capacity of 2.8 MAF, and 107% of average

Ownerships as of March 31:

- Kendrick 1,060 KAF, 88% full, 126% of avg
- North Platte (Pathfinder + Guernsey) 584 KAF, 52% full, 86% avg
- Glendo 130 KAF, 76% full, 97% avg
- Inland Lakes 22 KAF, 50% full, 107% avg
- Guernsey Ownership filled 45,612 af March 29
- Operational Account 8 KAF

March snowstorms improved forecasts

Apr 1 Forecast of April to July runoff volume:

- 625 KAF Seminoe (87% avg), NRCS forecast 550KAF
- 30 KAF Sweetwater (55% avg), NRCS forecast 33KAF
- 135KAF Alcova-Glendo gain (92% avg), USACE forecast 114KAF

Inland Lakes Ownership is expected to fill this month (April)

Glendo, Pathfinder, and Kendrick Ownerships are not expected to fill in the operational plans

Apr 1 allocation calculated supply 1.3MAF – No allocation is expected  
Apr 1 administration supply exceeded 1.1MAF – No administration for water rights in upper or lower reach implemented by Wyoming.

Even with lower comparative forecasts from other agencies, supply still greater than 1.1 MAF with pretty good agreement between the three forecasts.

Will update forecast on May 1<sup>st</sup>. Seems to be a pattern of snowy wet weather in the upcoming weeks.

Releases from Gray Reef Reservoir is about 450 cfs. This is lower than normal target release of 500 cfs to slow the rate of rise of Glendo Reservoir. Glendo is approximately 51KAF from the top of conservation pool / bottom of flood pool.

Guernsey Powerplant intake repair will require draining Guernsey Reservoir at the end of next September and keeping it empty Oct 2021 – March 2022. During this project all releases from Glendo will be discontinued including the 25cfs low flow. Glendo to Guernsey gains will be passed and accounted for in our ownership accounting.

Bureau has received information from Pathfinder Irrigation District on start of irrigation season. Guernsey releases will be initiated on April 18<sup>th</sup> to accommodate Pathfinder canal flows of Inland Lakes water starting on morning of April 19<sup>th</sup>.

#### 4.3 Nebraska – Tom Hayden

WY 2021 started October bad with 11.8 inches of moisture in Bridgeport/Scottsbluff which normally gets 18 inches. Farmers had to run a long time in WY2020 near October due to ground moisture issues. On October 07, 2020, 6.7 inches of snow fell with about 0.6 inches of moisture in Bridgeport. October had 7 inches snow, December 4 feet snow, February 17 inches snow. Ended year at 47.5 inches in Bridgeport. Area of Bridgeport normally ends year at 47 inches. At one time the upper system was at 65% of snowpack. March 11, 12, 13, and 14 got some real good snow and rain. A lot of the snow hasn't resulted in very much moisture.

Farmers want to get beets in during April and some have ½ of beets in already. Some cold weather is coming. Last year had cold weather in April/May but beet crop came in good. The area has been above normal for average temperature. October 63°F, November 65°F, December 50°F, January 43°F which is above normal. February had some real cold days.

From March storm Laramie River got 30 inches of snow on top of already 8 inches in place. Laramie River storage has 97,100 af in Wheatland Reservoirs, 68,000 af in Lake Hattie, and about 90,000 af in Gray Rocks Reservoir with about 4 feet to full.

Farmers have started planting beets with some concern of temperature. Thinks with mountain snow we maybe will get by.

#### 4.4 Colorado

Colorado snowpack is lower than normal. February was a good snow month for Colorado. Ended March at around 96% average snowpack and currently at about 83%. Concern going into runoff with dry soils. Northgate gage is estimated at 74% of average for April. Reservoirs are quite low right now and everyone's concerned about what the runoff will look like and storing when they can. There is a call on a river for storage at Walden Reservoir in town of Walden. Irrigation season protocol is that Irrigation season is presumed to start May 15<sup>th</sup> which allows junior water rights to store water before senior water rights come into effect. There is a request to change the irrigation season which most likely will occur which means some reservoirs will not be able to fill. North gate gage is currently at about 460 cfs which is slightly below average.

Colorado reported irrigated about 98,000 acres of land in WY 2020 which is low but not unusual for a dry summer. Water stored for irrigation was just under 8,800 af which is not too unusual and expected having not released much volume in prior water year.

Trans-basin diversion 4,228 af in WY 2020 for 10-year total of about 33,000 af. Will provide and send a corrected report (discovered error in data from City of Ft Collins report) with some minor number corrections with no exceedance of decree limits despite errors.

Starting WY 2021 reservoirs were quite low and will watch that closely and some reservoirs may not fill. Will keep a close eye on 17KAF storage limit.

Colorado Parks and Wildlife reservoir currently under construction with current release of 1 foot of water per day totaling approximately 900 af. Need to drain the water down to dead pool for construction. Some irrigators have been successful at storing that water.

Question (Brian Pugsley): Do you measure Northgate river gage on a continuous basis throughout summertime and even in wintertime?

Answer: The USGS operates that gage which is not operated in winter and it has been flagged as ice until recently. Recently they had backfilled some of their data. They may have gotten out to the gage in first week of April [a measurement was taken at Northgate gage USGS 06620000 on March 25, 2021].

5. Review and Modify Natural flow and Ownership Procedures for Water Year 2021& Part C Supplemental Accounting Procedures for 2021 Allocation Water Year(**Attachment D**)

Draft document was sent to agencies for review. There have been no changes except updating the year. No discussion on topic.

**Motion by Tom Riley to approve the Natural flow and Ownership Procedures for Water Year 2021 & Part C Supplemental Accounting Procedures for 2021 Allocation Water Year.** Erin Light seconds motion. No further discussion. Motion passes by unanimous vote.

6. Replacement Water – Exhibit 10, Paragraph D.3.: Compile information regarding the estimated number of “trigger days” (Reclamation) – Carlie Ronca

Carlie Ronca – A letter was sent by USBR in January stating 84 days. Any discussion?

Brian Pugsley – Wyoming concurs with 84 days.

Tom Riley – Nebraska states no disagreement.

7. Activities Due or to be Initiated by Spring 2021 – Brief Status Reports/Updates (as per settlement timeline adopted April 12, 2002) – Jeff Cowley

- 7.1 Exhibit 4, Paragraph IV.A. & C.: Accounting of Intentionally Irrigated Lands from Surface Water Sources upstream of Guernsey Reservoir and Transfers and Reporting pursuant to Paragraph II(e) of the Modified Decree (Wyoming)

Letter sent January 12, 2021 stating 199,503 acres of intentional irrigation

- 7.2 Exhibit 4, Paragraph V.: Maintenance of Data and Records Supporting the Annual Intentionally Irrigated Acreage Report (Wyoming)

Data housed in Cheyenne and shared polygons with Consumptive Use Subcommittee

- 7.3 Exhibit 4, Paragraph IV.B.” Amount of intentionally irrigated acreage from hydrologically connected groundwater included in annual report (Wyoming)

January 12, 2021 letters states – 641 acres above Pathfinder, 1,694 acres Pathfinder to Guernsey out of total 199,503 acres that were intentionally irrigated by hydrologically connected groundwater wells

- 7.4 Exhibit 5, Paragraph II.: Wyoming will begin recording, compiling, and reporting to the NPDC cumulative irrigation diversions of surface water from the main stem between Pathfinder and Guernsey during each two-week period beginning on May 1<sup>st</sup> during allocation years (Wyoming)

Should Water Year 2021 Wyoming SEO is prepared to enforce restrictions on irrigation diversions beginning May 01

- 7.5 Exhibit 6, Paragraph D.3.: Report of Consumptive Use Calculations (Due May 15<sup>th</sup>) (Wyoming)

Data collection and calculations are under way to submit the consumptive use report to the NPDC by May 15<sup>th</sup>.

- 7.6 Exhibit 10, Paragraph C.1.c.: Initiation of the Delivery of Required Replacement Water (Wyoming)

End of WY 2020 there were 244 active irrigation wells which equates to 5,954 af of water to be released from Guernsey

- 7.7 Exhibit 10, Paragraph C.1.d.: Complete and Report to the NPDC the list of active baseline wells (Wyoming)

244 active irrigation wells by letter submitted December 21, 2020

- 7.8 Exhibit 10, Paragraph D.1.: Collect and Provide to the NPDC groundwater pumping data(Wyoming)

40,110 af were pumped from 244 active irrigation wells by letter dated March 11, 2021

- 7.9 Exhibit 12, Paragraph IV.A.: Accounting of Intentionally Irrigated Lands from Surface Water Sources in the Lower Laramie Basin and Transfers (Wyoming)

29,457 acres of intentional irrigation in lands of Lower Laramie Basin by letter dated January 12, 2021

- 7.10 Exhibit 12, Paragraph V.: Maintenance of Data and Records Supporting the Annual Intentionally Irrigated Acreage Report (Wyoming)

Data housed in Cheyenne office

- 7.11 Exhibit 12, Paragraph IV.B.: Amount of intentionally irrigated acreage from hydrologically connected groundwater included in annual report (Wyoming)

4,714 acres of 29,457 acres were irrigated by hydrologically connected groundwater wells in the Lower Laramie Basin by letter dated January 12, 2021

- 7.12 Exhibit 13, 14, and 15: Monthly Water Rights Reporting and Annual Report of water pumped from post 2000 wells in Wheatland Irrigation District (Wyoming)

Monthly emails were sent on about the 15<sup>th</sup> of each month and annual report was sent on December 28, 2020

Questions – no questions asked

## 8. Informational Items

### 8.1 Gering-Ft. Laramie/Goshen Canal – Reclamation (Carlie Ronca)

The districts continue to formulate plans for permanent repairs. Tunnel no. 3 is nearly completed with some corrosion protection work and a few items of work in the canal remaining for Gering Ft. Laramie Irrigation District. Tunnels no. 1 and no. 2 are taking more time. Goshen does not have as large of a tunnel to leave the ribs in place in tunnel no. 1, and their engineer is preparing plans understood to be submitted in summer for possibly starting in coming fall season.

Goshen Irrigation District is currently concentrating on mitigating the flow issues in tunnel no. 1 from what they believe to be turbulence caused by the ribs. They want to weld steel sheets onto the steel ribs to reduce the friction in the water to improve those flows. That was approved and they are almost complete. They also sent an application to remove the first 5 ribs of tunnel no. 1 and that has been received and is being reviewed. There should be a response this week or early next week. Focus is restoring those flows during this temporary repair period.

Reclamation has received additional approval to loan Gering Ft Laramie another half million dollars on top of the already received 2.3 million dollars which was a combination grant and loan money in addition to Goshen's 4 million dollars. The Bureau continues to support the districts the best we can both technically and financially.

### 8.2 Basin Electric Power Company– WY (Brian Pugsley)

Levi Mickelson unable to attend. They still have not come to agreement with Johnson family regarding Johnson wells. In November 2020 meeting the NPDC principals tasked the Control Crest Subcommittee with determining what needed to be done to handle this issue with the Johnson's wells in relation to the brown book. We can address that issue now or wait till the Subcommittee Report.

Carlie Ronca – let's wait until subcommittee reports.

### 8.3 Platte Alliance Water Supply – PAWS – WY, NE, and Reclamation

No update – WY (Brian Pugsley), NE (Tom Riley)

Reclamation (Carlie Ronca) – did get an update from Jeff Fuller who is their project manager. Group is in process of forming their joint powers board needing one from Wyoming and one from Nebraska. The next step will be to create a legal entity so two states can work together with this PAWS project. Group is still researching and trying to figure out how to acquire water rights. No other updates. Do expect request permission to connect to Glendo Reservoir outlet works and if there are any water needs in relation to any of our contractors.

#### 8.4 Seminoe pump/storage project – Reclamation (Carlie Ronca)

In the last month or so Reclamation has executed a preliminary lease of power privilege issued to Black Canyon Hydro. They have both their permits from USBR and Federal Energy Regulatory Commission (FERC) to move forward with their planning studies for the Seminoe Pump Storage Project. As part of the preliminary permit issued, they will be doing a number of studies including geotechnical investigations and feasibility level engineering. Will also be coordinating with USBR and BLM (Bureau of Land Management) and FERC regarding NEPA permitting with FERC as the lead agency.

Wyoming – no updates

Nebraska – no updates

Carlie Ronca – Reclamation does expect that the states will be contacted soon regarding permitted water use and storage. Even though they are tapping into Seminoe Reservoir they get to use and move the water but can't affect the control of water for storage and delivery. They can't affect the project purposes.

Brian Pugsley – They should be in contact with us regarding a storage facility to store the water in.

Carlie Ronca – We have indicated to them that they need to be in contact with you.

Tom Riley – Nebraska has not been contacted.

#### 8.5 Modifying Decree with regards to the Consumptive Use Caps – WY (Jeff Cowley)

Jeff Cowley – Wyoming has confirmed with their Attorney General that the modification would be similar to the modification of the acreage cap if everyone agrees. If everyone agrees it should be a pretty simple change. We just need to figure out what we all agree on for the new language. There will be a cap but not a specific number.



Tom Riley – Nebraska has looked into this further.

Jennifer Schellpeper – Nebraska legal counsel (Emily Rose) has been out for a few months. Should have more details available at next consumptive use subcommittee meeting.

Tom Riley – side note we have temporarily moved field office in state building and majority of staff to remote work and are awaiting notice for what the new office building will be. Address and phone numbers will stay same for now.

8.6 Pathfinder Irrigation District, Diversion of Natural Flow with Inland Lakes water – PID

Dennis Strauch – Dennis requests permission to piggy-back natural flow with inland lakes water as a fully water supply is forecasted. No known issues in the past when operating this way.

Brian Pugsley – no foreseen problems with the request. Note that any natural flow diverted by the district after May 01 if an allocation year did occur then those deliveries would count against the district.

Dennis Strauch – understood that is normal procedure.

Tom Riley – no concerns as consistent with past practice.

Carlie Ronca – no concerns, helps district position water for best use.

Erin Light – no comment.

**Motion by Tom Riley to approve the request as laid out by Mr. Strauch [Diversion of Natural Flow with Inland Lakes Water having a fully water supply forecast].** Greg Lanning seconds motion. No further discussion. Motion passes by unanimous vote.

8.7 Glendo evaporation and power head pool – request to refill if gains are available - Reclamation (Carlie Ronca)

Carlie Ronca – The order of accrual to the Glendo pool is to the irrigation pool, then the evaporation pool, then to the power head pool. At the end of water year 2020 there was only about 535-acre feet in the Glendo Evaporation pool out of a capacity of 20,090-acre feet. About 2,400-acre feet were depleted from the power head pool from September 30, 2020, to March 31, 2021, with additional evaporation to be depleted. Natural flow and ownership procedures accounting procedures part B3 do allow refilling the power head pool if gains are available as

an exception by the Wyoming State Engineer. Reclamation will be making a formal request to refill the Glendo Power Head Pool. Any concerns from Wyoming?

Greg Lanning – no concerns

Brian Pugsley – no concerns if proper filling priority is observed. Believes a request in writing is past procedure.

Carlie Ronca – will provide written request and hoping Glendo stays in priority long enough.

Greg Lanning – The letter should spell out the proper conditions of filling.

#### 8.8 No other issues brought forward

### 9. Reports of Standing Subcommittees

#### 9.1 Control Crest Subcommittee (Chair: Pugsley)(**Attachment E**)

In 2020 Basin Electric approached Wyoming that they were no longer interested in negotiating a new contract with the Johnson Family for continued use of the Johnson Family well. Their easement had expired or was about to expire for use of the Johnson well field. Basin is looking for guidance from the North Platte Decree Committee and how this affects the final settlement stipulations within the decree. The Control Crest Subcommittee was tasked by the NPDC during the Fall 2020 meeting to research and make recommendations of actions that could be taken to remove the Johnson well field from the North Platte modified decree.

This issue was discussed during the January 2021 subcommittee meeting. It was pretty much the consensus of the group that the Johnson well field hadn't been used that much in the water supply anyway and it was also determined that if they were to eliminate the Johnson well field supply Basin Electric would still have their obligations under the agreement compromise for their releases under the decree.

The Control Crest Subcommittee came up with three locations with what would need to take place in order to wipe that particular statement out of the decree.

- 1) Final Settlement Stipulations Paragraph 5 Paragraph B page 10 states Exhibit 3 cannot be modified without consensus of the NPDC and Basin Electric.
- 2) Article 5 paragraph A.10 of North Platte Decree Committee Charter on page 128 of brown book states same as above.

3) Appendix G Exhibit 3 Paragraph 8 on page 171 states same as above.

Based on the 3 statements above the committee determined that the Johnson well field could be removed from the North Platte Decree by action of the NPDC with concurrence from Basin Electric.

Action Item recommendation (1) is to have NPDC contact Basin Electric and obtain a written request to remove the Johnson wells.

Action Item recommendation (2) is once the request is received to amend Appendix G Exhibit 3 Paragraph 3 Paragraph A.1.E from the Final Settlement Stipulations from the Final Decree.

We can continue subcommittee report or deal with this standalone item now.

Carlie Ronca – proposes to address this topic at this time and allow the control crest subcommittee to continue report.

Tom Riley – Is that information within the subcommittee report?

Brian Pugsley – Yes, it is. At top of report was entitled Control Crest Subcommittee Action Item.

Carlie Ronca – Do all the members of the subcommittee agree to this approach?

Brian Pugsley – Yes.

Jennifer Schellpeper–Exhibit 3 where Johnson wells are mentioned is a list of powerplant demands to be filled in a certain order. Johnson wells is very near the end. Following that is the Gray Rocks Reservoir storage account. Has the subcommittee considered how not having Johnson wells in that list might affect how the Gray Rocks storage account might get used by Basin Electric?

Brian Pugsley – The Subcommittee did not go into great detail on how the action would affect the general account of Gray Rocks. Those wells technically are fairly small portion of their water supply. Effect is probably minimal.

Tom Riley – Why would anyone want to let go of any of their supply in this basin. Understood it's not much. Is it not worth their time and money?

Brian Pugsley – Absolutely. Basin Electric has been trying to negotiate a new contract but what is understood is that the new contract negotiations have

stalled and the cost of the new easement is beyond what Basin Electric felt it was worth to hang on to those wells.

Jennifer Schellpeper – Please clarify that this action does not relieve Basin Electric from their obligation to release water downstream, just losing an additional source to accomplish that?

Brian Pugsley – That is correct.

Greg Lanning – Is there any other use that the Johnson wells could be used for?

Brian Pugsley – Johnson Wells water is currently permitted as industrial. The family would have to approach the Board of Control to change its historical use with a change in use petition. The Board of Control would probably look at historical use and probably not allow a change of historical use.

Carlie Ronca – motion is required to approve subcommittee requested action

Greg Lanning requests Brian Pugsley's assistance to word a motion.

Brian Pugsley – Principals would make a request to Basin Electric to provide a request to the NPDC to have that particular line item be removed from the exhibit. Once that request is received in writing the Committee could take action on that.

Carlie Ronca – We would be requesting the subcommittee to draft a written request to withdraw the Johnson wells for our signatures. That we would be directing them to do that. Once we receive that back we would be taking next action, or we could say that now that we intend to modify the final settlement stipulation.

Tom Riley – We have to have Basin's agreement to perform this process?

Brian Pugsley – Yes. Basin Electric has to be on board with this action. That's why the action item has Basin Electric put request in writing so that the NPDC could act on their written request.

Greg Lanning – Basin Electric approached us before. Have they only approached the State or has their approach only been verbal up to this point?

Brian Pugsley – Yes, their request had only been verbal up to this point. Basin Electric approached the State back in the April 14<sup>th</sup>, 2020, NPDC meeting. Basin Electric approached the committee during the meeting, but we still need a hard copy request in writing to act on.

Emily Rose – That seems consistent with the charter article 3a which says a matter is deemed to have been submitted to the NPDC when a written statement requesting action or decision has been mailed to the other NPDC representatives and to the NPDC office.

**Motion by Tom Riley to direct the committee to send a letter to Basin Electric noting the specific article that they should submit a formal letter to us to request the process to go forward.** Second by Greg Lanning. No further discussion. Motion passes by unanimous vote.

Carlie Ronca – Does subcommittee need anything further to move forward.

Brian Pugsley – No. We will get a letter drafted for Basin Electric.

Carlie Ronca – Please move forward with the report.

Brian Pugsley – The Control Crest subcommittee tracks the stream gages on the North Platte River being Sinclair, Medicine Bow, Sweetwater, Whalen, State Line, and Orin Junction. When the committee was started, we looked at a lot of other variables and recommendations including the zero-shift range. A zero-shift range is if the flow is within a zero-shift range, a zero-shift is used whatever the result. We now use the weekly/biweekly measured shifts. A shift is a vertical correction for what the channel is doing. We continue to look at the gages and how the rating curves are acting and determine how often the measurements need to occur in order to make best information available for accounting. This year we looked at all the sites North Platte River near Sinclair, Medicine Bow at Hanna, Sweetwater River near Alcova, North Platte River at Orin, North Platte River below Whalen, and North Platte River at WY/NE State Line. We pretty much stayed status quo from last year. We have begun to see more trending toward negative side of curve especially at higher flows at North Platte River at Orin Junction. Wyoming will generate a new curve for Orin Site and will present it at the 2022 meeting. Will also look at the curve below Whalen which is trending towards positive side of curve in flows above 500 cfs and will also present it in 2022 meeting. We did look at the other gages but these two were the most important from the subcommittee meeting.

Carlie Ronca – Are you looking for action by the committee at this time.

Brian Pugsley – No action items at this time. Just a report of the findings on the gages.

## 9.2 Consumptive Use Subcommittee (Chair: Schellpeper) **(Attachment F)**

Jennifer Schellpeper – There is a Consumptive Use Subcommittee report of 71 pages including attachments with 4 pages of reading. The subcommittee met twice in addition to combined meetings with the Replacement Water Subcommittee members which is noted in the report to discuss the triangle survey. In addition, a small group was formed to test if an analysis using NDVI could act as an independent indicator of things that might be changing in the basin that are not currently measured within the existing Exhibit A methodology. If successful, a method using NDVI could be considered to replace the public survey, which is entailed in Exhibit B of Exhibit 6 (Procedure for Consumptive Use Accounting).

One action item is requested to approve the CUSC and RWSC proposals to hold two to three joint meetings prior to the fall 2021 NPDC meeting. These meetings will continue to have the conversations amongst the subcommittees regarding the NDVI moving forward. In addition to the Replacement Water Subcommittee will continue to look at Exhibit 10 and Exhibit 11 in Appendix G of the Decree and other sources of data that could be applied to the Triangle Area.

A second action item is requested to approve a Wyoming maintenance invoice of \$14,511.

Jeff Cowley –For the weather station invoice \$6K of the total amount was to purchase and install the Devil’s Gate weather station in addition to the soil moisture probe. The regular remaining amount is within the normal range of prior years for maintenance. A modem died at Encampment, so we had to install another one.

Charlie Ferrantelli–With regard to the public survey it is no surprise that Wyoming wants to discontinue the surveys due to scientific validity and expense but it was helpful that Nebraska voiced their opinion in the last meeting in favor of the surveys as an independent indicator of change occurring; changes that couldn’t be captured in the current method of consumptive use calculations. We have continued to pursue the use of the NDVI which dataset goes back to 1984 to explore how it could be used. We are exploring that information, not to mimic the survey but look for changes that can be occurring.

We are not trying to duplicate any information from acreage inspectors in terms of acreage and crop type which is considered the best available information.

At this point it is still a fluid plan of how to achieve the objective. So it will start small, likely only looking at a few polygons to observe historical NDVI data for those fields and how they change. It is so sensitive that it can pick up individual harvest events, like alfalfa cutting events, and regrowth. We feel it could be pretty useful to see changes over time.

Jennifer Schellpeper – We did discuss the NPDC members would be interested in knowing exactly what the information that the NDVI data could get that's comparable to the survey as well as the acreage inspector reports compared to the survey as the subcommittee has done that in the past in terms of informing everybody what would be covered by the NDVI and what would not be covered.

Charlie Ferrantelli – As an update to the Open ET. There is a delay to the date of release to July 2021 which is not unexpected. They are currently looking for updated Landsat data and support from federal agencies and trying to present their tool and its importance to congress members. Data will be available upon release back to 2016 and eventually hopefully back to 1984. Will be able to confidentially use our polygons to analyze the data.

Carlie Ronca – are you looking for any action items at this time.

Jennifer Schellpeper – Just (1) approval of the Wyoming invoice which is also in the Finance Subcommittee report so action could be taken now or later and (2) reaffirm continued action of the subcommittee to continue to meet for its current pursuits.

Carlie Ronca – We are being asked to reaffirm the Consumptive Use Subcommittee work as outlined in the report. Is there any discussion? (no objections). There were no objections do you want a formal vote or specific action?

Jennifer Schellpeper – In the past the NPDC has taken action to accept the report.

Carlie Ronca – It is believed that in the past we haven't done that unless there were specific actions requested within the report. The reports are accepted such as the informational items or the Wyoming items that are discussed earlier in the agenda.

Jennifer Schellpeper – Will leave that to the decision of the committee.

Carlie Ronca – Principals are we good to keep going?

Erin Light – I'm good and I believe in the past we have just accepted all the reports at the end but either way is fine.

Jeff Cowley – I think we did that last year, one vote to accept them all at the end.

Tom Riley – That makes sense to me.

### 9.3 Replacement Water Subcommittee (Chair: Gehle) **(Attachment G)**

Carlie Ronca – The Replacement Water Subcommittee was covered in the Consumptive Use Subcommittee Report as they met jointly. Does the Replacement Water Subcommittee have anything additional to report?

Jeremy Gehle – Nothing additional for the Subcommittee to report. The survey was moved to a 10-year period to be conducted in 2022 and there is a report to state that as well.

#### 9.4 Finance Subcommittee (Chair: Cowley) **(Attachment H)**

Jeff Cowley – David Merrell pointed out an error the other day which wasn't recognized at the time and the first paragraph will be corrected before sending for signature. As of December 31, [2020] Wyoming has \$13,021.71, Nebraska has \$0.16, and the Bureau has \$0.28 in the North Platte Decree Committee Fund of the Nebraska Community Foundation as of December 31st. The report paragraph total is not correct and will be modified before signatures.

As mentioned by the consumptive use subcommittee there is an invoice approval page for the \$14K. Including the 5% for the Nebraska Community Foundation the total per party is ~~\$5,087.91~~ [later corrected to \$5,078.91]. Approval page will be sent as soon as meeting is over.

The Official Files Subcommittee latest invoice for database management services by the Flatwater Group was taken care of back on February 11 so that bill is taken care of.

The only invoice to take care of at this time is the Wyoming Invoice.

The action item is to present the report for approval and presenting the invoice approval page by motion.

Carlie Ronca – There is a request for payment of the weather station work. Is there a motion?

**Motion by Tom Riley to approve the request [a request to approve payment of the Wyoming weather station invoice accompanied with approval signature page].** Greg Lanning seconds motion. No further discussion. Motion passes with unanimous vote.

#### 9.5 Official Files Subcommittee (Chair: Kelly) **(Attachment I)**

Jennifer Schellpeper in place of Ryan Kelly – no actions on the subcommittee report. All of the files from the April 2021 meeting have been signed off by all the



members including the chair so those files will now be entered into the Sharepoint database by the Flatwater Group. We have also distributed a committee and subcommittee membership list which will be discussed as agenda item 10.

9.6 Vote of Approval of Subcommittee Reports.

Carlie Ronca – to be safe and acknowledge the hard work of the subcommittees is there a motion to accept all of the subcommittee reports as a whole.

**Motion by Erin Light to accept all of the [subcommittee] reports.** Tom Riley seconds motion. No further discussion. Motion passes by unanimous vote.

10. Review NPDC Representative & Subcommittee Membership (**Attachment J**)

Carlie Ronca – are there any changes for the committee membership lists

Erin Light – no changes

Tom Riley – none known. Jennifer will review and send update if needed.

Greg Lanning – no changes.

Carlie Ronca – Reclamation has no changes

11. Meeting Summary

11.1 Future Agenda Items

None requested

Reclamation will generate draft notes and any additional items can be added if needed.

11.2 Schedule Fall 2021 NPDC Meeting and Location (Torrington)

As a reminder Reclamation has moved to a once a year spring North Platte informational meeting.

In the Fall NPDC had thought about doing the meetings virtually but location/virtual to be determined upon development of COVID at a later date.

Fall meeting scheduled for November 2, 2021 at 1pm MST.

No further items requested for discussion, meeting adjourned.

### 11.3 Summary of Motions

3.0 – Motion by Erin Light to approve November 2020 minutes. Tom Riley seconds motion, no discussion, motion passes by unanimous vote.

5.0 – Motion by Tom Riley to approve the Natural flow and Ownership Procedures for Water Year 2021 & Part C Supplemental Accounting Procedures for 2021 Allocation Water Year. Erin Light seconds motion. No further discussion. Motion passes by unanimous vote.

8.6 – Motion by Tom Riley to approve the request as laid out by Mr. Strauch [Diversion of Natural Flow with Inland Lakes Water having a fully water supply forecast]. Greg Lanning seconds motion. No further discussion. Motion passes by unanimous vote.

9.1 – Motion by Tom Riley to direct the committee to send a letter to Basin Electric noting the specific article that they should submit a formal letter to us to request the process to go forward. Second by Greg Lanning. No further discussion. Motion passes by unanimous vote.

9.4 – Motion by Tom Riley to approve the request [a request to approve payment of the Wyoming weather station invoice accompanied with approval signature page]. Greg Lanning seconds motion. No further discussion. Motion passes with unanimous vote.

9.6 – Motion by Erin Light to accept all of the [subcommittee] reports. Tom Riley seconds motion. No further discussion. Motion passes by unanimous vote.