

# North Platte Decree Committee (NPDC) Meeting

## FINAL MEETING MINUTES

April 12, 2022

### Attendees:

#### 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:

|                      |                                   |
|----------------------|-----------------------------------|
| Mahonri Williams     | Reclamation                       |
| Nicole Nielsen       | Reclamation                       |
| Matthew Wells        | Reclamation                       |
| Michelle Gess        | WY-SEO                            |
| Cory Rinehart        | WY-SEO                            |
| Trevor Heigel        | WY-SEO                            |
| Rob Foreman          | WY-SEO                            |
| Jeff Cowley          | WY-SEO                            |
| Tylor Hanzlik        | WY-SEO                            |
| Tyler Beddingfield   | WY-SEO                            |
| Jennifer Schellpeper | NE-DNR                            |
| Jeremy Gehle         | NE-DNR                            |
| Jim Ostdiek          | NE-DNR                            |
| Tom Hayden           | NE-DNR                            |
| Ryan Kelly           | NE-DNR                            |
| Kody Schwager        | NE-DNR                            |
| Cory Grout           | Casper-Alcova Irrigation District |
| Kelley Peterson      |                                   |
| Steve Jobman         | Castlerock Irrigation             |
| Rick Miller          | Pathfinder Irrigation District    |

The NPDC meeting was called to session at 1:15 p.m. MDT on April 12, 2022, at the Panhandle Research and Extension Center in Scottsbluff, NE with the virtual option. Brandon Gebhart, the current NPDC chair, conducted the meeting.

### 1. Introductions

All attendees are listed above.

## **2. Review Agenda**

A draft proposed agenda was distributed via email to the NPDC members on March 2, 2022. A final proposed agenda was distributed on April 5, 2022, Attachment 1. Brandon Gebhart suggested adding agenda item 8.8 to discuss LaPrele Reservoir storage under an allocation under their fill restriction with no objections from NPDC members.

## **3. Approve Minutes from November 2021 Meeting**

Brandon Gebhart asked for any comments or edits to the meeting minutes from November 2, 2021 virtual meeting; there were none.

*Motion by Tom Riley to approve November 2021 minutes. Lyle Myler seconds, no further discussion. Motion passes by unanimous vote.*

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

### **4.1 Wyoming**

Cory Rinehart reported the snowpack within the North Platte Basin ranged from 70% to 90% of average. Since the April Forecast was calculated below 1.1 million acre-feet both Above Pathfinder and Pathfinder to Guernsey, Mr. Rinehart confirmed the Wyoming State Engineer, Brandon Gebhart, validated the call for priority administration late on April 7<sup>th</sup>, 2022. Hydrographers began administering junior rights on April 8<sup>th</sup>, 2022. Mr. Rinehart also reported that all of our reservoirs are in bad shape and will likely not fill.

### **4.2 Bureau of Reclamation**

Mahonri Williams reported the current the water supply conditions. The forecasted inflows for April through July for the entire basin ranged between 56% and 66% of average for the April-July forecasted inflow. Following the procedure described in the settlement, Reclamation calculated the supply for an allocation to be 885,937 acre-feet and the supply for administration Above Pathfinder to be 958,376 acre-feet and 946,066 acre-feet in the Pathfinder to Guernsey reach; all values were below the 1,100,000 acre-feet trigger value indicating an allocation was expected. Reclamation promptly notified the states and irrigation districts. In response, the WY-SEO proceeded with administration above Guernsey Dam. The ownership accounts as of April 7 are as follows: Kendrick-940,807 acre-feet, Pathfinder-344,759 acre-feet separated by irrigation-323,762 acre-feet, environmental-6211 acre-feet and the municipal-14,686 acre-feet, Glendo-128,959 acre-feet, Guernsey 41,188 acre-feet, and Inland Lakes 22,324 acre-feet. Reclamation completed the project to repair and refurbish the power plant intake gate at Guernsey in late February. Due to this project 1996 acre-feet would have accrued in Inland Lakes and 2505 acre-feet would have stored in Guernsey.

### **4.3 Nebraska**

Tom Hayden reported the current water supply conditions. In early October, the valley received 1.33 inches of moisture. Mr. Hayden reported 32 inches of dry snow between November until March. Throughout the winter the snowpack increased and decreased and did not stay constant. Mr. Hayden commented he could not remember this pattern in the snowpack before. The temperatures were warmer than average during the winter. Mr. Hayden contacted Wheatland Irrigation District who reported only 85,000 acre-feet at this time and Pioneer Irrigation District only had 50% of their required amount. The wind continued to fill farmers ditches with debris.

#### **4.4 Colorado**

Erin Light reported the current water supply conditions. Ms. Light reported October, November and the end of December/early January as wet months and the mountains received a good amount of snow. Starting middle of January through the month of February was dry, the snow pack flat lined. The forecast at Northgate station, forecast 95% of average, however Ms. Light believes this high of a forecast is unlikely due to below average snow pack and the low soil moisture. The reservoirs used primarily for irrigation are down 19,000 acre-feet and given the snowpack and water conditions the large reservoirs will likely not fill and Colorado will not hit the limit of 17,000 acre-feet set by the North Platte Decree (Decree). Ms. Light will continue to closely monitor to ensure the state does not exceed the 17,000 acre-feet limit. Walden Reservoir emptied last year and will likely place an early call before irrigations starts in North Park.

Ms. Light reported just over 89,000 acres of intentionally irrigated for 2021, far below the cap set by the Decree, storage was approximately 8,300 acre-feet and trans-basin diversions were 2,300 acre-feet transferred into the Cache-La Poudre Basin. The ten-year cumulative total was 35,000 acre-feet.

### **5. Review and Modify Natural flow and Ownership Procedures for Water Year 2022 & Part C Supplemental Accounting Procedures for 2022 Allocation Water Year**

The Bureau made editorial changes of the document to update the year, Attachment 2.

*Motion by Tom Riley to approve the Natural flow and Ownership Procedures for Water Year 2022 & Part C Supplemental Accounting Procedures for 2022 Allocation Water Year. Lyle Myler 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)**

Mahonri Williams reported the calculation for trigger days for 2021 resulted in 83 trigger days. The Bureau mailed the information out on December 12, 2021.

Wyoming and Nebraska both concur with 83 trigger days for water year 2021.

**7. Activities Due or to be Initiated by Spring 2022 – Brief Status Reports/Updates (as per settlement timeline adopted April 12, 2002)**

Michelle Gess shared the information from the 12 individual topics in item 7 on the agenda. A written response is included as Attachment 3.

**8. Informational Items**

**8.1 Revised Exhibit 5 Forecasted Supply Discussion**

Brandon Gebhart explained this item originated from the WY-SEO March response letter to Reclamation asking for a conversation on the use of statistical minimum inflows in the forecasting procedure. Mr. Myler explained Reclamation uses average inflows for calculations early in the year with February and March inflow forecasts. However, calculating the future inflows for April to September and attempting to predict if there is a need for administration, Reclamation is conservative by using the statistical minimum inflow. Mr. Myler emphasizes that years with a need for allocation are usually poor hydrology years and using the statistical minimum represents the poor conditions expected. Mr. Gebhart agrees with Reclamations reasoning and explanation of using the statistical minimum. Mr. Myler briefly explained the history of including inflows of September and August in the monthly forecast starting in 2007 or 2008 time period. Mr. Riley agrees with the reasoning of using the statistical minimum for August and September inflows and also expressed concern with 30-year averages as climate changes and snowpack is less substantial during the winter. Mr. Myler confirmed the 30-year averages is a running average and moves every year.

**8.2 Gering-Ft. Laramie/Goshen Canal**

Mr. Myler provides an update that the Goshen Irrigation District has selected a preferred alternative method of sequential excavation to rebuild the tunnel in the existing alignment and are moving forward with feasibility studies. GID is also looking at opening the entrances and exits of the tunnel to shorten the distance which may have some permitting issues with NEPA. Reclamation is working on their response for any ground disturbance. GID is using heavier steel ribs to replace the first set to improve flow capacity. Mr. Myler reported Nebraska Legislature is contributing funding to Gering-Fort Laramie Irrigation District and tunnel repair. Best case scenario is beginning construction on tunnel repair in Fall 2023. Mr. Gebhart added additional funds for this project from the State of Wyoming. Mr. Riley confirmed the Nebraska legislation is in the final step of approving funding.

**8.3 Basin Electric Power Company**

This item will be discussed as a Control Crest Subcommittee topic.

**8.4 Platte Alliance Water Supply – PAWS**

Mr. Gebhart reported Wyoming Water Development Office has closed their study portion of the project. Mr. Riley and Mr. Myler report no recent conversation with the group.

**8.5 Seminoe pump/storage project**

Mr. Myler shared in January Reclamation received an interim feasibility report focusing on engineering and 10% of design information for this project. Reclamation provided comments and concerns back to rPlus Hydro (the consultant). rPlus Hydro intends on submitting the draft license application to FERC this summer which will include results from previous studies. The contractors are planning for geotechnical drilling this summer and discussing options for lines to get their power to the grid with various power entities. Mr. Gebhart adds that the SEO was approached about possible alternatives for water rights for the project. WY-SEO is working through how to account for water between Seminoe and the additional reservoir, whether it's a one time fill and yearly evaporation added each year or blocking out a portion of the reservoir in perpetuity allowing the water to always be available. WY-SEO is working on understanding the impact the additional reservoir would have on depletions.

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

Pathfinder Irrigation District (PID), represented by Rick Miller, requests permission to move Inland Lake water with the early water run. Mr. Myler explains it is beneficial for PID to commingle their natural flow water with the Inland Lake delivery to allow the surface in their canal to be high enough to make deliveries with an early run. In previous years the NPDC approved this request when it is not an allocation year, referenced in the Natural Flow and Ownership Accounting Procedures (Procedures).

The NPDC must discuss and decide whether to leave the restriction in the Procedures and reject the request or change the Procedures and allow the request. Mr. Myler confirms the accounting completed by Reclamation and Wyoming captures any deliveries made by the irrigation districts, including an early run from PID. Mr. Riley recounts in 2021 we allowed the request and in the forecasts after the meetings it was determined an allocation was expected, therefore the accounting has been executed in previous years.

*Motion by Tom Riley to approve the request from Pathfinder Irrigation District. Lyle Myler seconds motion, and moves us to a discussion.*

Mr. Gebhart has no issue in granting the request but would like clarification if this motion is changing the Procedures in perpetuity or allowing the request in an allocation year, determine if there are issues with the accounting, and readdress this topic in the Fall meeting. Mr. Williams explained if the NPDC

decides to allow the request in an allocation year the Procedures would have to be changed. Matt Wells reports in the accounting for 2021, Reclamation was able to distinguish between the natural flow and the Inland Lakes water in the accounting. Mr. Myler supports allowing the request this year and ensure there are no issues with accounting. Mr. Myler also states there is no hinderance to the capacities of Inland Lakes if natural flows are delivered at the same time as the Inland Lakes water during an allocation year, there is no risk to “crowding the reservoirs”. Jim Ostdiek states the first couple of years of this request the NPDC was hesitant because they were unsure if the accounting was possible and added the restriction to not allow the release in an allocation year. However, over the years the NPDC learned the accounting could be done and as shown last year even with an allocation, all of the accounting works out.

*Tom Riley amends the motion to allow the Pathfinder Irrigation District to perform this delivery in an allocation year for this year and the NPDC revisits any issues with the accounting at a subsequent meeting. Lyle Myler 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**

Mr. Myler reports low inflow conditions depleted the Glendo evaporation pool and encroached into the power pool. Reclamation requested, if conditions allow, to replenish the water in the power pool that was depleted via a letter sent on March 10, 2022. The State Engineer granted this request on March 18, 2022.

**8.8 LaPrele Reservoir Storage under an Allocation**

Mr. Gebhart provided information on the unique situation at the LaPrele Reservoir. This reservoir is under an SEO Fill Restriction of roughly 60% of their capacity due to structural damages on the dam. Reservoir operations bypass winter runoff that normally would be stored in priority in order to capture the tail end of runoff because the outlet cannot handle high volume runoff events. LaPrele Reservoir reached out to Mr. Gebhart asking for permission to store under the allocation and Mr. Gebhart said he would bring the topic to the NPDC for discussion. Mr. Myler questioned the amount of priority flows were bypassed. Mr. Riley questioned the amount of water they’re requesting to store, the capacity to get them to 12,000 acre-feet or the amount they have bypassed? Mr. Gebhart explains it is only the amount that was bypassed during the winter. Trevor Hiegel reported the current capacity is 4,200 acre-feet. Mr. Myler explains if LaPrele Reservoir bypassed water to minimize their risk and the water has been accounted in Reclamation’s accounting system in Glendo, Reclamation see’s no issue. Mr. Riley agrees it would be reasonable to allow the reservoir to capture water and not bypass water. Mr. Hiegel

calculated the reservoir has bypassed 614 acre-feet for water year 2022. Mr. Myler suggested an email or call when all of the information is available to decide.

## **9. Reports of Standing Subcommittees**

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

Brian Pugsley retired prior to the NPDC meeting, Matt Wells provides the update for the Control Crest Subcommittee (CCSC) report. At the CCSC meeting, held on January 27, 2022, the Johnson well field was the first topic of discussion. Mr. Wells briefly explains the history of the topic; Basin Electric (Basin) approached the NPDC based on the difficulties of renewing their contract with the Johnson Family. The Decree lists the Johnson wellfield as an option for Basin to meet downstream obligations (Decree: Exhibit 3, page 161) and intended to let the contract expire. The NPDC created an *ad hoc* committee to determine the removal of the Johnson well field from Exhibit 3 Paragraph 3, Line E with the concurrence from Basin. Mr. Pugsley sent a letter on June 15, 2022 and received a response from Basin on August 12, 2022 concurring the removal of the Johnson wellfield. The CCSC had no objection to removing Johnson well field. The letters and signed action items are in the CCSC report (Attachment 4).

*Motion by Tom Riley to remove the Johnson well field from Appendix G, Exhibit 3. Paragraph (III)(A)(1)(e). Lyle Myler seconds motion, no further discussion. Motion passes by unanimous vote.*

Mr. Wells continued to provide an update for the six gages and the shifts applied to the rating curves for each specific curve; all measurements will continue to be shifted. The CCSC report is Attachment 4.

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

Jennifer Schellpeper relays that both the Consumptive Use Subcommittee (CUSC) and Replacement water Subcommittee (RWSC) meet jointly due to the similar topics and personnel overlap. Wyoming operates the five weather stations within the basin; the invoice for the past year of operation and maintenance is included in the CUSC report. The CUSC and RWSC continue discuss the irrigation practice surveys and are in the process of looking for alternative sources of data, such as Wyoming Acreage Inspector Data, NASS, remote sensing (NDVI), etc. The NPDC gave these surveys a one-year extension in Fall 2021 therefore a decision is required at the Fall 2022 NPDC meeting. The CUSC report is Attachment 5.

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

Jeremy Gehle reiterates the information provided by Ms. Schellpeper and the main topic of discussion within the subcommittees is related to the irrigation practices surveys. The RWSC report is Attachment 6.

**9.4 Finance Subcommittee (Chair: Cowley)**

Jeff Cowley summarizes the balances of Wyoming, Nebraska and the Bureau accounts in the Nebraska Community Fund. As mentioned by Ms. Schellpeper, the invoice for the weather station operations is included in this report. Amendment 4 of the contract with the Nebraska Community Foundation is finalized and will be active when Amendment 3 expires March 31, 2022. The Finance Subcommittee Report is Attachment 7.

**9.5 Official Files Subcommittee (Chair: Kelly)**

Ryan Kelly updated the group on the new method the Official Files Subcommittee (OFSC) members review and approve the files to be stored. The Flatwater Group maintains the database maintenance and management. This contract ends June 30, 2022, Amendment 1 of the contract increases the pay for the Flatwater Group for the database maintenance and management and Amendment two would change the date for the contract to end June 30, 2023. The OFSC report is Attachment 8.

*Motion by Tom Riley to accept subcommittee reports and respective action items as presented. Erin Light seconds motion, no further discussion. Motion passes by unanimous vote.*

**10. Review NPDC Representative & Subcommittee Membership**

All changes to subcommittee membership are reflected in Attachment 9.

**11. Meeting Summary**

**11.1 Future Agenda Items**

Mr. Riley suggests a field visit to the location of the Pumped Storage Project location, weather permitting.

Mr. Myler suggests checking with the Bureau and Wyoming accounting of Pathfinder Irrigation District deliveries during an allocation year.

**11.2 Schedule Fall 2022 NPDC Meeting and Location**

The Fall meeting will be held on November 3, 2022 in Torrington, WY. Location TBD.

The Meeting adjourned at 3:50 MST.