

North Platte Decree Committee (NPDC) Meeting

FINAL MEETING MINUTES

April 12, 2023

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:

Christi Davis-Kernan	Reclamation	John Starnes	WY-SEO (virtual)
Matthew Wells	Reclamation	Jennifer Schellpeper	NE-DNR
David Merrell	Reclamation	Jeremy Gehle	NE-DNR
George Finnegan	Reclamation	Jim Ostdiek	NE-DNR
Michelle Gess	WY-SEO	Ryan Kelly	NE-DNR
Cory Rinehart	WY-SEO	Andy Pedley	NE-DNR
Rob Foreman	WY-SEO	Kody Schwager	NE-DNR
Tylor Hanzlik	WY-SEO	Justin Ahern	NE-DNR (virtual)
Tyler Beddingfield	WY-SEO	Connor Nichols	NE-DNR (virtual)
Connie Kersting	WY-SEO (virtual)	Rick Miller	Pathfinder Irrigation

The NPDC meeting was called to session at 1:00 p.m. MDT on April 12, 2023, at the Panhandle Research and Extension Center in Scottsbluff, NE with the virtual option. Mr. Brandon Gebhart, the current NPDC chair, conducted the meeting.

1. Introductions

All attendees are listed above and the sign in sheet is listed as (Attachment 1).

2. Review Agenda

A draft proposed agenda was distributed via email to the NPDC members on March 20, 2023. A final proposed agenda was distributed on April 10, 2023 (Attachment 2). Mr. Tom Riley suggests moving agenda item 8.3 "Pathfinder Irrigation District, Diversion of Natural Flow with Inland Lakes water" earlier in the agenda. Mr. Gebhart subsequently suggests 8.3 to be moved to 3.1 with no objections from NPDC members.

3. Approve Minutes from November 2022 Meeting

Mr. Gebhart asked for any comments or edits to the meeting minutes from November 2, 2022 NPDC meeting; Mr. Gebhart suggests the last sentence of section 4.7 to include “be”.

Motion by Mr. Tom Riley to accept the November 2022 minutes with the suggested correction. Mr. Lyle Myler seconds, no further discussion. Motion passes by unanimous vote.

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

Pathfinder Irrigation District (PID), represented by Mr. Rick Miller, requests permission to move Inland Lake water with the early water run.

Motion by Mr. Tom Riley to approve the request from Pathfinder Irrigation District. Mr. Lyle Myler seconds motion, no further discussion. Motion passes by unanimous vote.

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

4.1 Wyoming

Mr. Cory Rinehart summarized the snow pack to be 133% on average, and noted the significant low elevation snow pack. Mr. Rinehart reports the LaPrele Irrigation District has been meeting with the WY-SEO related to the fill restriction on the LaPrele Reservoir dam and the significant snowpack above the reservoir. Mr. Gebhart adds it is his understanding the operations of the dam are for flood control and not storage at this point in time. Mr. Rinehart also reports the WY-SEO is working on updating field equipment throughout the entire state that could become out of date within the next couple of years due to technology updates. Mr. Rinehart mentioned the Control Crest Subcommittee planned a tour for March however the tour has been postponed to the fall due to the significant snowpack.

4.2 Bureau of Reclamation

Mr. Lyle Myler voices his appreciation for the Yonts Conference and the work from University of Nebraska Extension Center and Wyoming working to set up the meeting. Ms. Christi Davis-Kernan listed the April to July forecast for the following reservoirs and rivers: Seminoe Reservoir forecasted inflow is 950,000 AF (132% of average); Sweetwater River forecasted inflow as 80,000 AF (150% of average); and Glendo Reservoir forecasted inflow as 120,000 AF (83% of average). The total system storage is 1,300,000 AF as of March 31, 76% of average. The total system inflow from October 2022 to March 2023 is 221,300 AF, 72% of average. Ownership is 342,800 AF in North Platte Project, 114,800 AF in Glendo, and 16,300 AF in Inland Lakes.

The wintertime outflows of Seminoe/Kortes were 530 cfs and increased to 2,600 cfs in mid-April. Releases out of Pathfinder are maintaining Alcova at 5488', and will be increased in April to maintain an elevation of 5498' for summer operations. Alcova and Grey Reef releases are approximately 450 cfs, which was coordinated with Wyoming

Game and Fish. For ten days at the end of March, there were flushing flows ranging from 500 cfs to 4,000 cfs. Glendo began increasing outflows from 25 cfs to 500 cfs, which will increase again to 1,200 cfs on April 15. There is not an allocation anticipated at this time. Mr. Myler adds the gates at Guernsey opened on April 12 because Pathfinder Irrigation District started to come on. Reclamation is starting to move the Inland Lakes water to Inland Lakes a little earlier than normal because there is a safety of dam recommendation to set the reservoir to a certain elevation to inspect the outlet structure.

4.3 Nebraska

Mr. Jim Ostdiek reported 99.63% of Nebraska is under some degree of drought, an improvement from 100% the prior fall; 33% is in extreme drought and 5% is in exceptional drought. The only administration over the winter was for instream flow levels in the central Platte and storage rights at Lake McConaughy. Overall precipitation is average with below average in the past couple of months. The environmental account started with 106,000 AF (16,000 AF lower than 2022) and is up to 133,000 AF as of March 31; there are discussions related to possible releases in May and June for vegetation suppression. Lake McConaughy was at 654,000 AF on October 1st and increased to 912,000 AF on April 9. However, this is still 258,000 AF lower than levels a year ago equating to about 12 feet of elevation in the reservoir; flows at Lewellen are 855 cfs.

4.4 Colorado

Ms. Erin Light reported the snowpack is good for the North Platte and Laramie basin with current snowpack at 128% of median (in 2022 the snowpack was 89% of median). The projected runoff for April through July on the North Platte at the North Gate gaging station is 170% of average. Due to these conditions, Ms. Light does not foresee any local administration calls in the North Platte. All of the gaging stations are not open for the season or are ice affected therefore there is no report on the flows. On April 3, 2023 Ms. Light shared an email to NPDC members reporting approximately 105,600 acres of intentionally irrigated acres for 2022. Ms. Light reported Colorado would be close to the storage limitation of 17,000 AF and in 2022 just over 16,800 AF was stored for irrigation. The trans-mountain diversions for 2022 was just over 5,000 acre-feet transferred into the Cache-La Poudre Basin. The ten-year cumulative total was reported to be 38,000 acre-feet. Based on these reported numbers, the State of Colorado did stay within the Decree limitations for water year 2022. Ms. Light does not anticipate being close to the storage limitation in 2023 due to the wet spring/summer in 2022 allowing the reservoirs to maintain their levels throughout the irrigation season and start 2023 relatively full. Ms. Light provided an update on the State Engineer's measurement rules for Water Division 6. The rules were filed with the water court on October 28, 2022 and 7 protests were received. A trial is currently set for late February 2024 however the State of Colorado recently began negotiation with the protestants in the hopes to avoid going to trial. Ms. Light also mentioned the State of Colorado goes through abandonments of water rights every ten years. 250-300 water rights were on the abandonment list for 2020. Water users are able to protest the water right on the abandonment list, which

resulted in 55 protests. Recently, the water judge entered an order to abandon the unprotested water rights. In Jackson County, there were about 380 cfs among various ditches that were abandoned. Mr. Myler questioned what the priority dates were on the abandoned water rights. Ms. Light responded most were pre-1950 but it was a mix.

5. Review and Modify Natural flow and Ownership Procedures for Water Year 2023 & Part C Supplemental Accounting Procedures for 2023 Allocation Water Year

Mr. Matt Wells shared the updates made to the Natural Flow and Ownership Procedures (Procedures; Attachment 4) which included updating all of the dates. After the NPDC approval during the Fall 2022 meeting, the language limiting PID to deliver natural flow with Inland Lake water only during a non-allocation year was removed. The updated Procedures allows PID to make this request any year. The Procedures were also updated by replacing “A loss of natural flow may be borrowed from storage and replaced from subsequent natural flow gains” with “Borrow-payback will not be used in water year 2023” as a result of the discussion at the Fall 2022 meeting.

Mr. Myler shared the recent LiDAR flight on Guernsey Reservoir shows an increased capacity from 45,612 AF to 46,237 AF equating to an increase of approximately 625 AF. Reclamation proposed the NPDC make a decision on the implementation of the updated Guernsey storage capacity in terms of ownership accounting for 2023. Mr. Lyler mentioned the NPDC previously made an action to implement Glendo’s updated capacity when a LiDAR survey showed a decrease in Glendo’s capacity, however it did take a couple of years after the survey to implement the updated capacity table in ownership accounting. Mr. Riley questioned how the capacity change would impact ownership accounting. Mr. Myler responds that the North Platte Project would increase by approximately 625 AF, if the updated table was implemented. Mr. Gebhart questioned whether the NPDC made an action before or after the State of Wyoming received the updated table. Mr. Myler doesn’t recall the order of events previously. Mr. Myler decides to put this discussion on hold with the understanding Reclamation will be pursuing the updated capacity table and will share the updated tables with the states allowing time for the states to digest the information.

Motion by Mr. Tom Riley to approve the Natural flow and Ownership Procedures for Water Year 2023 & Part C Supplemental Accounting Procedures for 2023 Allocation Water Year. Mr. 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”

Mr. Myler reported Reclamation makes the calculation and verifies the number with each state. For water year 2022, the number of trigger days were calculated to be 83.

Reclamation emailed the information to the NPDC members on November 14, 2022. Wyoming and Nebraska both concur with 83 triggers days. Mr. Myler states the historic average trigger day calculation was 74.9 days and the running average of trigger days since 2002 is 68 days therefore are still within the bounds of historic average.

7. Activities Due or to be Initiated by Spring 2023 – Brief Status Reports/Updates (as per settlement timeline adopted April 12, 2002)

Ms. Michelle Gess provided this information to the group as Attachment 5.

8. Informational Items

8.1 Gering-Ft. Laramie/Goshen Canal

Mr. Myler reports before irrigation season of 2022, steel sheeting was installed over the exposed ribs and improved the flow through the tunnel to 1,400 cfs. The consulting company is working on the NEPA process and designing a permanent repair. The current goal is for construction to begin after the 2024 irrigation season with the intent of completing construction on both tunnels during one winter. Mr. Gebhart adds Wyoming has provided roughly 50% of the funding. Mr. Riley adds the monies provided by the State of Nebraska is ARPA money and has to be obligated by 2026.

8.2 Seminoe pumped storage project

Mr. Myler shares rPlus Hydro is pursuing the Seminoe Pumped Storage project and have been working on coordination between agencies, i.e., FERC and NEPA, to identify expectations and develop a timeline to ensure agency deadlines are accomplished. Reclamation is aware that rPlus Hydro is looking into acquiring water rights for the project. The current plan is using a portion of the space above Seminoe for the water to be recycled between the upper reservoir and Seminoe. Mr. Gebhart adds the WY-SEO continues to meet with rPlus Hydro on the same topic and a reservoir application for the upper reservoir has been submitted to the WY-SEO.

8.3 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 22, 2023. The State Engineer, Mr. Gebhart, granted this request on March 22, 2023.

9. Reports of Standing Subcommittees

9.1 Control Crest Subcommittee (CCSC)

Mr. Wells reported the CCSC met in January 2023 and Attachment 6 summarizes the discussions from the committee related to the Natural Flow and Ownership document (previously discussed under agenda item 5), the rating curves, and the measurement schedule. The CCSC recommended changing the rating tables at North Platte River at

Orin, North Platte River below Whalen Dam, and North Platte River at the WY-NE Stateline to the updated rating tables provided by the USGS.

9.2 Consumptive Use Subcommittee (CUSC; Chair: Schellpeper)

Ms. Jennifer Schellpeper reports the CUSC met five times and summarizes the work complete by the CUSC since the Fall 2023 meeting (Attachment 7). Included in the report is the NPDC_WS-8 Invoice from Wyoming for the operations and maintenance of the weather stations in the basin. Ms. Schellpeper reiterates the CUSC will continue to focus their time and resources on updating Exhibit 6 Exhibit A (Exh. 6A) consumptive use (CU) methodology; work related to the RWSC and surveys will be put on hold. The CUSC was tasked with creating a milestone document to track and plan the process of updating the Exh. 6A CU methodology. Ms. Schellpeper summarized the milestone document (page 57 of Attachment 7): initially the CUSC will create a recommendation to the NPDC for the variables that need updating with potential data sources; this step includes separating the variables into ease of replacement. The incorporation of remotely sensed data into the annual CU calculation will be analyzed as a possible data replacement method. The CUSC recognizes the potential need of interim steps that could be adopted as the CUSC progresses. The goal of the CUSC is to determine multiple potential CU methodologies for the NPDC to review. Mr. Gebhart questioned how the CUSC plans to identify the interconnectivity of variables and is it possible the interconnectivity of variables may change the ease of replacement. Ms. Schellpeper responded the CUSC has discussed the potential interconnectivity of variables and recognizes the importance and the CUSC is currently discussing how that interconnectedness can best be represented to the NPDC members. The CU methodology flowcharts previously developed by the CUSC (page 56 of Attachment 7) remain beneficial as the CUSC uses these documents to guide the understanding of interconnectivity and potential impacts. Ms. Schellpeper continues to summarize the criteria the CUSC plans on using for the initial assessment of variables.

The CUSC asked the NPDC to review the CUSC recommendation to continue the development of updating Exh. 6A including the draft milestone document and the evaluation criteria and accept the CUSC report.

Ms. Michelle Gess adds that Wyoming will present the CU calculation for water year 2022 at the May CUSC meeting and will also present a summarization of the acreage inspector data as a method to monitor any potential irrigation changes in the basin.

Mr. Riley acknowledges the complex nature of updating the CU methodology and is appreciative of the milestone document to keep the work on schedule and also appreciates all of the work that has been completed. Mr. Gebhart commends the CUSC on the accomplished work.

9.3 Replacement Water Subcommittee (RWSC; Chair: Gehle)

Mr. Jeremy Gehle presented the RWSC report (Attachment 8); the RWSC continually meets with the CUSC and the work of the RWSC is to focus on Exhibit 6.

9.4 Finance Subcommittee (FSC; Chair: Gess)

Ms. Gess presents the FSC report (Attachment 9) and summarized the balances in each account. Ms. Gess noted the \$4,053.50 balance in both the Bureau and Nebraska accounts at the end of Q4 in 2022 reflect two invoices paid within the first week of Q1 in 2023. The balances for these accounts at the end of Q1 of 2023 is roughly \$5.00 each. Ms. Gess summarizes the invoice for the weather station maintenance and operation performed by the WY-SEO is a minimum of \$5,449.85 to be split between the three parties. The FSC asked the NPDC for the approval of this report and invoice WS-8.

9.5 Official Files Subcommittee (OFSC; Chair: Kelly)

Mr. Ryan Kelly presented the OFSC report (Attachment 10). The Flatwater Group has recognized issues with the current database management and setup due to outdated technology. At the time of the meeting, the contract to continue database management has not been secured. The current contract is set to expire June 30, 2023 and the NPDC will receive the bill for the fiscal year 2023 after July 1, 2023. Mr. Kelly asked the NPDC to approve his continued work with the Flatwater Group for a solution related to the management of the database. Mr. Myler expressed his willingness to have a special meeting between the NPDC to approve any contract, to avoid any lapse in time of database management. Mr. Gebhart questioned what the range in associated cost could be. Mr. Kelly replied a one-year extension of the same contract would be a minimum of \$7,500.

Motion by Mr. Lyle Myler to accept the subcommittee reports and recommendations within the reports. Mr. Tom Riley seconds the motion, no further discussion. Motion passes by unanimous vote.

10. Review NPDC Representative & Subcommittee Membership

Reclamation adds George Finnegan to the CUSC. Wyoming corrects the Wyoming alternate to be Cory Rinehart as of April 12, 2022. Nebraska added Brian Flynn to the Groundwater Wells Subcommittee. The updated membership list is Attachment 11.

11. Meeting Summary

11.1 Future Agenda Items

Mr. Myler suggests a review and modernization of the NPDC by-laws. The NPDC tasked Ms. Gess and Mr. Kelly to begin an initial review.

11.2 Schedule Fall 2022 NPDC Meeting and Location

The Fall meeting is set to be on October 25, 2023 in Torrington, Wyoming.