

Draft Minutes

North Platte Decree Committee (NPDC) Meeting
1:00 p.m. (MT), April 07, 2020
Via Teleconference

1. Introductions call to order at 1:01 pm with roll call and introductions.
 - 1.1 Committee Heads
 - Chair - Carlie Ronca representing United States Bureau of Reclamation
 - Jesse Bradley representing Nebraska Department of Natural Resources
 - Brian Pugsley (in place of Greg Lanning absent) representing Wyoming State Engineer's Office
 - Erin Light (in place of Kevin Rein) representing State of Colorado Division of Water Resources
 - 1.2 All Roll Call

Jesse Bradley – NE	Tylor Hanzlik – WY
Jennifer Schellpeper – NE	Charlie Ferrantelli – WY
Melissa Mosier – NE	Erin Light – CO
Beth Eckles – NE	Dennis Strauch – Pathfinder ID
Emily Rose – NE	Carlie Ronca – USBR
Ryan Kelley – NE	Lyle Myler – USBR
Jeremy Ghele – NE	Mahonri Williams – USBR
Tom Hayden – NE	Mike Follum – USBR
Jim Ostdiek – NE	David Merrell – USBR
Dan Sternkopf – NE	Matt Wells – USBR
Brian Pugsley – WY	Levi Mickelsen – Basin Electric
Jeff Cowley – WY	Troy Tweeten - Basin Electric
Rob Foreman – WY	
2. Review Agenda
 - No changes called for
3. Approve Minutes from October 2019 Meeting

Motion – Brian Pugsley motioned to approve October 2019 Meeting Minutes, Jesse Bradley seconded, no objections, motion carried.

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

4.1 Wyoming

Given snow pack no administration is expected. Current Percent average snowpack provided for Upper North Platte River (110%), Lower North Platte River (120%), Sweetwater River (82%), and Laramie River (114%). 24-30% density water content indicating considerable amount of water to come. Due to forecast State of Wyoming has not been required to administer water rights above Guernsey. North Platte River reservoir status was deferred to Bureau. Laramie River mostly 60% full, not a lot of space available. 92,000 acreft remaining with 205,000 acreft inflow forecast as of March 10. Laprele reservoir between Douglas and Casper currently under a fill restriction to 60% of capacity to max of 12,000 acreft. Are releasing to maintain low pool. Hawk springs reservoir is currently full. Overall a pretty good year of runoff with low lying flooding possible.

4.2 Bureau of Reclamation

Total system storage 2.3 million acre-ft (MAF) is 82% full of total available 2.8MAF. Seminoe, Pathfinder, Glendo, and Guernsey ownerships as of March 31st are – Kendrick 1.1 MAF, North Platte 928 kaf, Glendo basically full and last filled on March 24th, Inland lakes 25,000 acre-ft which is 55% full, Guernsey ownership filled on March 15. Remaining Ownerships to fill this or next month.

Current forecast is 950kaf into Seminoe, 63kaf into Sweetwater, 265 kaf in Glendo. Forecasted supply exceeds the 1.1MAF therefore no allocation forecast.

Due to above average snowpack and current storage as of March 27 releases and Glendo and Guernsey began at 1,500 cfs. Releases from Guernsey is from reregulation account until inland lakes fill. After inland lakes fills, lower system gains will be passed downstream. Pathfinder and Kendrick will fill in priority from upper system inflows.

Alcova spillway repair in fall and Guernsey powerplant intake gate repair. Alcova spillway repair will lower reservoir 40ft so spillway crest is in dry for spillway concrete work with releases in neighborhood of 2000cfs below Gray Reef Dam in October. Alcova will be at normal winter level by end of December. As Alcova is refilled will move storage from both Seminoe and Pathfinder to minimize lake elevation effects at both. With water movement no unusual effects to ownership are proposed.

Guernsey repair roller mounted intake gate serves power plant. Repairs will be from October 2020 to March 2021. During this period will shut down Glendo low flow valves and pass Glendo to Guernsey gains during construction period similar to north spillway gate refurbishment. Ownership affects Inland Lakes and Guernsey accounts only.

4.3 Nebraska

COVID-19 effects to office 3rd week of telecommuting. Typical 75 crew down to 5-8 people. Operations continue as normal. Field office continue as fairly normal. Directed health operations in all counties in Nebraska.

Last year ended with 24 inches of rain which is 7 inches above normal. This water year October to March temperatures average 51 degrees high and 22 degrees low. Beet planting is late due to temperatures, fields are getting ready now. There has been 38 inches of snow to date in Bridgeport (4 inches of precipitation) with more in the surrounding area. Hoping that a repeat does not occur of last year's storms that wiped out many crops.

4.4 Colorado

Colorado headwaters snowpack at 108 to 110 percent of average. Just below 2019 currently. Snowpack is looking good. Reservoirs down approximately 9,600 acre-ft. Report was submitted by email. Irrigated 112,500 acres. Stored approximately 15,000 acre-ft. Transferred 6,400 acre-ft which is above average but prior years were low so not near limit. NDVI dataset is used to determine irrigated acres but 2019 was difficult to use due to wet ground. It was necessary to do ditch by ditch flow analysis in comparison to the NDVI dataset.

5. Review and Modify Natural flow and Ownership Procedures for Water Year 2020 & Part C Supplemental Accounting Procedures for 2020 Allocation Water Year.

5.1 Minor modifications were made to 2019 procedures including year changes and section headings. No changes were proposed.

Motion - Brian Pugsley motioned to accept, Jesse Bradley seconded motion, no discussion, motion carried.

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

6.1 Letter by Bureau of Reclamation sent Nov 7th, 2019 estimated zero trigger days. Wyoming and Nebraska agreed with estimate.

Motion - Jesse Bradley motioned to accept the calculation of zero trigger days, Brian Pugsley seconded motion, no discussion, motion carried.

7. Activities Due or to be Initiated by Spring 2020 – Brief Status Reports/Updates (as per settlement timeline adopted April 12, 2002) – Pugsley turns over to 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)

SEO Letter dated: January 15, 2020

Reported: 197,112 acres of intentional irrigation

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

Data and records: Housed in the Cheyenne Office of the SEO

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

SEO Letter dated: January 15, 2020

Reported: 652 acres (APF) and 1,568 acres (PF2G) of the 197,112 acres of intentional irrigation

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 1st during allocation years (Wyoming)

2020 Allocation Year: Should Water Year 2020 be an allocation year, the Wyoming SEO is prepared to report the cumulative irrigation diversions beginning May 1.

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

CU Report: Data collection and calculations are underway to submit the CU Report to the NPDC members by May 15 (discussion during CUSC).

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

Delivery of Required Replacement Water: During the 2019 Water Year there were 230

active irrigation wells within the area of administration. This equates to 5,612 A.F. of water to be released from Guernsey Reservoir when natural flow is insufficient to meet the demands of both Wyoming and Nebraska irrigators who divert from North Platte River at or above Tri-State Dam.

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

SEO Letter dated: December 17, 2019

Reported: 230 active wells reported

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

SEO Letter dated: March 13, 2020

Reported: 27,426 acre-feet pumped via 230 active wells

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

SEO Letter dated: January 15, 2020

Reported: 29,106 acres of intentional irrigation

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

Data and records: Housed in the Cheyenne Office of the SEO

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

SEO Letter dated: January 15, 2020

Reported: 4,710 acres of the 29,106 acres of intentional irrigation

- 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 Reporting: Sent electronically approximately the 15th of every month during the past reporting period

Annual Report dated: December 17, 2019

All verbal reporting as stated in notes. No questions or discussion.

Motion - Jesse Bradley motioned to accept WY report, Erin Light seconded motion, motion carried.

8. Informational Items

8.1 Gering-Ft. Laramie/Goshen Canal Tunnel Collapse – Reclamation

Goshen and Gering/Ft Laramie have been in discussions for permanent repairs. Late fall there was a decision on tunnels 1-3 repairs. Tunnels 1 and 2 temporary repairs were led by Goshen district completed in January involving further grouting and steel ribs with permanent repairs under design for structural grouting with removal of ribs. No interruptions of water operations scheduled this season for construction purposes.

Gering ft Laramie tunnel 3 permanent repair uses same contractor with leaving steel ribs in place due to size of tunnel. Later this week final walk through. No interruptions of water operations scheduled this season for construction purposes. Grouting and steel ribs set in place. Possible further work in fall for additional work to steel ribs. Both districts did a great job to be prepared for this irrigation season.

8.2 PRRIP extension – Reclamation, WY, NE

Extension has been formally approved by amendment signed by Governors of Colorado, Nebraska, and Wyoming, and the Secretary of Interior in December 2019. Congress authorized 13-year extension in Sections 101-104, Title I, Division P of Public Law 116-94 with \$78 million dollars with legislation valid through 09/30/2033. Plenty of years for group to be working on target water amounts. Program is committed to acquiring 1,500 additional acres of habitat and 900 acres of the 1,500 acres have been acquired. In addition to land and water acquisition, the Program will continue its Integrated Monitoring & Research Plan and is cautiously starting the process of evaluating Fish and Wildlife Service target flows through the Adaptive Management Plan.

Discussion: it is helpful having a total of 26 years of regulatory certainty for the basin.

8.3 Basin Electric Power Company, WY

Levi Mickelson and Troy Tweeten – last report the company was still in negotiations with Johnson family over Johnson wells with 30-year agreement that expired in 2019. Negotiations stopped with agreement to turn over water rights to Johnsons to file new water right in their name. Basin electric no longer interested in that water right. Completed document maybe by next fall with WY State Engineer's Office cooperation on correct path forward for water rights connected to gray rocks reservoir

8.4 Platte Alliance Water Supply – PAWS – NE and Reclamation
Wyoming and Nebraska had no specific updates.

Reclamation reported that the PAWS report proposed a structure connecting to the outlet of Glendo reservoir with no official request yet. Bureau received a letter at least a year ago with a request to be next in line for water available from Glendo if water becomes available for contracting. A current contractor would need to stop existing agreement. Bureau has no specific updates.

8.5 Pathfinder Irrigation District, Diversion of Natural Flow with Inland Lakes water – PID
Dennis Strauch made request to divert natural flow with Inland Lakes water in spring 2020. This allows for delivery of natural flow irrigation water from the Interstate Canal in Wyoming and Nebraska while Inland Lakes ownership is being moved from the mainstem reservoirs down to the Inland Lakes.

Currently the request needs to be made and approved each time the District wants to perform the operation. There was a question as to whether this request can be a standing request or if it was required annually. There was concern for a standing request that has potential to affect water rights in a lower supply year.

[After the meeting it was determined that The Natural Flow and Ownership Accounting Procedures, paragraph B.1. (Inland Lakes Ownership) states: If the Allocation forecasted supply is 1.1 million AF or greater, Pathfinder Irrigation District may request and obtain approval from the NPDC to make deliveries of Natural Flow to Wyoming and Nebraska appropriators in addition to the transfer of storage water to the Inland Lakes.] Per the Procedures, the request needs to be made and evaluated by the NPDC on a year to year basis.

Motion - Jesse Bradley motioned to approve this year's diversion of natural flow request from Pathfinder Irrigation District, Brian Pugsley seconded motion, there was no discussion, motion carried.

8.6 Seminoe pump/storage project – Reclamation
Bureau has no updates specific for the NPDC

Wyoming has no additional information on request since initial meeting in Torrington.

9. Reports of Standing Subcommittees

9.1 Control Crest Subcommittee (Chair: Pugsley)
Report has no recommended actions so only needs concurrence.

For 2019 review of all gages show operating fairly accurately with a shift correction. Will be looking at Orin gage and Whalen gage to refining the rating curve possibly in next meeting. The water year measurement schedule is published.

Requested date modification in report to 2020.

Chair requested that all concurrence motions be held for after reports and lumped together. There was no objection.

9.2 Consumptive Use Subcommittee (Chair: Mosier)
Report has requested actions

Invoice from Wyoming received for \$7,864.33, with 5% fee \$8,257.55, to be approved.

Annual costs over the past 4 years have been over stipulated maximum maintenance amount allowed in the weather station maintenance funding agreement. It has been determined that \$6,000 to \$8,000 per year is a more realistic expectation of Wyoming's real expense portion of cost of maintenance for the current 4 weather stations. There is no change proposed to the \$4,025 maximum in-kind service limit also in the funding agreement, so the proposed total not to exceed amount will come to \$12,025 per year.. This proposed change to the annual not to exceed amount in the funding agreement for weather station maintenance is included in Attachment B of CUSC report.

Question – Is the work related to weather stations changing and requiring more maintenance? – There is not a lot of data to support original cost limit which was based on the High Plains Regional Climate Center's (HPRCC) costs for maintaining the stations. Maintaining 4 stations for sensor and modems may have higher per unit costs. The requested change is not the result of adding more stations.

Question – What stations do we currently maintain? – Douglas, Elk Mountain, Encampment, and Lingle.

Question – Clarify page 3 subcommittee report, states Wyoming irrigated acres data needed is from 2008 to current. Is it 2003 to current or 2008 to current. – It is 2003 to current.

Proposal for taking over another weather station currently located near Alcova under ownership of Pathfinder Ranch for estimated \$6,000 purchase, being \$2,000 per NPDC party. Biggest pitfall in consumptive use report is the weather station data, which this purchase of this weather station may improve. Several station's gone offline since the Decree was put in place. Decree requires 4 stations and committee does maintain 4 stations but Lingle is within the Triangle Area so not part of consumptive use data input for the above Guernsey Area.

Question – Has NPDC been out of compliance in not having enough weather stations? – Jeff Cowley states that we have technically been out of compliance in above Guernsey Area.

Question – We have only been using 3 gages? – Jeff Cowley states this is not true.

Calculations include other gages not under direct control of NPDC.

Question – If this 4th station dataset is added does that create issues for past calculations? – it fills in a data gap that we need. It would provide data moving forward which is much more reliable with a higher confidence. Jennifer Schellpeper stated that it would be used moving forward in an investigation of a potential new consumptive use methodology, which is in compliance with the Decree’s directive to find better methods.

Question – Is there a way that this new data point could be flagged to indicate that this point is a change? - Jeff Cowley states as part of the WRDS group it would be made clear that this is a new station with a new start date. It would not be backfilled. No matter what calculation method we use in the future we need good data. It will be flagged.

Question – Will there be an additional maintenance expense in addition to action item 2 [to raise the annual maintenance maximum]? – Yes. One station could add \$1,500 - \$3,000 per year in additional maintenance costs. There will be some additional upfront costs beyond purchase to upgrade sensors and equipment.

Question – Will funding agreement proposed need to be modified? – No

Since the fall 2019 NPDC meeting, workshops were had to investigate better data and methods

One potential future option for measuring consumptive use would be “OpenET”. OpenET is going to be an online service for evapotranspiration data which will be either free or low cost. This option calculates ET data based on remote sensing satellite data and computed and gridded) weather data, like “PRISM”. Advantages of method would be data consistency and accuracy. While the option uses gridded, spatially distributed climate data, these datasets are calculated based on actual weather station, including ours. The beta version of OpenET is behind schedule due to COVID-19 issues.

Workshops have been detailed and helpful. Requesting approval to hold 2-4 more workshops before fall meeting.

Update of survey of irrigation practices for above Guernsey required by Decree in 2021. Workshops will include discussion of survey methods including potential use of NDVI. New survey estimated cost is \$24,800. Will have actionable items in Fall 2020.

Chair requests individual motion on each action item

Motion – Jesse Bradley motioned to approve Action Item 1 payment of invoice (NPDC_WS-5) in the amount of \$8,257.55 (\$7,864.33 + 5%NCF fee) for weather station maintenance services provided by the Wyoming State Engineer’s Office from April

2019 through March 2020. Erin Light seconded motion, no discussion, motion carried

Motion – Jesse Bradley motioned to approve Action Item 2 amending the NPDC Funding Agreement for Weather Station Maintenance Services, increasing Wyoming’s annual not to exceed amount for real expenses related to weather station maintenance and repair from \$4,000/year to \$8,000/year. Wyoming’s in-kind services related to weather station maintenance will remain at \$4,025, for an annual not to exceed total of \$12,025 for all work provided by Wyoming under the NPDC Funding Agreement for Weather Station Maintenance Services. Erin Light seconded motion, no discussion, motion carried.

Motion – Brian Pugsley motioned to approve Action Item 3 the purchase of the weather station at Alcova from Pathfinder Ranches for \$6,000. The weather station will then be moved to a location between Independence Rock and Devil’s Gate along the Sweetwater River. Data from this weather station will be used to help fulfill the climate data collection requirements in Exhibit B of Exhibit 6. Jesse Bradley seconded motion, no discussion, motion carried.

Motion – Brian Pugsley motioned to approve Action Item 4 the CUSC’s proposal to hold two to three workshops prior to the fall 2020 NPDC meeting in order to further explore and discuss potential tools and resources that could be used to report consumptive use of irrigation water in the North Platte River Basin, including any conversations on the 2021 Above Guernsey Area survey that may be needed. Jesse Bradley seconded motion, no discussion, motion carried.

9.3 Replacement Water Subcommittee (Chair: Mosier)

A future irrigation practices survey of the Triangle area is required. The last survey of the triangle area was performed in 2012. At October 2016 meeting NPDC approved a 10-year interval rather than 5-year then next scheduled survey is 2022. An updated cost estimate from the University of Wyoming is \$24,800. Above Guernsey survey is scheduled for 2021. CUSC subcommittee meetings are including discussions on possible methods.

9.4 Finance Subcommittee (Chair: Cowley)

NFC balances discussed Nebraska \$448.62, Reclamation \$12.45, and Wyoming \$15,805.55 with total balance of \$16,266.62

There were some interest corrections included as attachment 1

NCF policies for review are included as attachment 2. Policies for review include confidentiality, conflict of interest, inclusiveness and diversity, whistle blower

Action Item 1 motion to present FSC report for approval, including payment for TFG Invoice. Invoice #19-2466 was submitted.

Action Item 2 motion to review NCF policies (any issues the NPDC has will be noted and reported to NCF for further discussion).

Action Item 3 present the approval page for signatures for the Wyoming weather station invoice.

Motion – Brian Pugsley motion to approve Action Item 1 FSC report, Action Item 2 review updated policies of NCF, and Action item 3 present Wyoming weather station invoice approval page. Jesse Bradley seconded motion, no discussion, motion carried.

9.5 Official Files Subcommittee (Chair: Mosier)

Official files review spreadsheet approval has been submitted. Files will be entered by Gordon after chair approves.

Subcommittee membership list provided for agenda item 10.

Flatwater group invoice received 19-2466 in amount of \$5,758.20 = \$5,484.00 * 1.05

Motion – Erin Light motioned to approve Action Item 1 payment of invoice (#19-2466) in the amount of \$5,758.20 (\$5,484.00+ 5% NCF fee) for Official Files Document and Database management services provided by The Flatwater Group from July 2018 through June 2019. Brian Pugsley seconded motion, no discussion, motion carried.

9.6 Motion to accept all subcommittee reports

Motion by Brian Pugsley to accept all subcommittee reports, Erin Light seconded motion, no discussion, motion carried

10. Review NPDC Representative & Subcommittee Membership – no motions needed

10.1 Reclamation

Principals – no changes

Alternates – no changes

CUSC – replace Art Hill with David Merrell

Control Crest – replace Shane Hayden with Matt Wells

Finance – replace Art Hill with David Merrell

Ground Water Wells – replace Shane Hayden with Mike Follum

Official Files – replace Art Hill with David Merrell

Replacement Water – replace Art Hill with Mike Follum

Natural Flow Ad Hoc – replace Shane Hayden with Matt Wells

10.2 No other entities verbally proposed changes

11. Meeting Summary – all files to be routed and signed electronically. Subcommittee members who need signatures take lead in getting those.

- 11.1 Future Agenda Items

- None noted

- 11.2 Schedule Fall 2020 NPDC Meeting and Location (Torrington)

- Week of November 16th. Brian approves but not sure for Greg Lanning as replacement. Jesse agrees with November 16th. Erin only disagrees with 19th. Propose November 18th at 1pm. No objections.

- Generally, try to get branding room on Goshen County Fairgrounds. Reclamation will take lead in scheduling branding room and Brian will help.

- Fall 2020 NPDC Meeting is scheduled for November 18th, 1pm to close at Platte Valley Bank, Torrington, WY

- Note: Potential still exists for COVID-19 restrictions but will update if necessary

No final comments meeting adjourned at 3:17 pm