

# North Platte Decree Committee (NPDC) Meeting

## MEETING MINUTES

November 14, 2024

### Attendees:

#### Representatives of the NPDC:

Christina Davis-Kernan, Bureau of Reclamation (Reclamation)

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

Cory Rinehart, Wyoming State Engineer's Office (WY-SEO)

Jesse Bradley, NPDC Chair / Nebraska Department of Natural Resources (NE-DNR)

#### Others in Attendance:

Matthew Wells	Reclamation	Connie Kersting	WY-SEO (virtual)
David Merrell	Reclamation	John Starnes	WY-SEO (virtual)
George Finnegan	Reclamation	Jim Ostdiek	NE-DNR
Belay Nerea	Reclamation	Ryan Kelly	NE-DNR
Michelle Hubbard	WY-SEO	Andy Pedley	NE-DNR
Tylor Hanzlik	WY-SEO	Jeff Long	NE-DNR
Jeremy Offutt	WY-SEO	Justin Ahern	NE-DNR (virtual)
Ryan Allen	WY-SEO		

The NPDC meeting was called to session at 1:00 p.m. MST on November 14, 2024, at the Goshen County Fairgrounds in Torrington, Wyoming with a virtual option. Mr. Jesse Bradley, 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 October 3, 2024. A final proposed agenda was distributed on October 29, 2024 (Attachment 2).

There were no proposed changes to the agenda during the meeting.

### 3. Approve Minutes from April 2024 Meeting

Mr. Jesse Bradley asked for any comments or edits to the meeting minutes from April 10, 2024 NPDC meeting – there were none.

*Motion by Mrs. Christina Davis-Kernan to accept the April 2024 minutes. Mr. Cory Rinehart seconds, no further discussion. Motion passes by unanimous vote.*

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

##### **4.1 Wyoming**

Mr. Cory Rinehart reported that peak flows on the North Platte river at the Sinclair gage peaked at 7,160 cfs on June 10th. Medicine Bow peaked at 1,350 cfs on June 11, and the Sweetwater River peaked at 390 cfs on June 12. Mr. Rinehart stated that flows were consistent throughout the year. Replacement water deliveries took place in June and July. 2024 tributaries were replaced with 23.2 acre-feet, July-September 2023 tributaries and 2023 Triangle Area wells were replaced with 6,104 acre-feet. In August 2024, July 2024 tributaries were replaced with 143.34 acre-feet. In September 2024, August 2024 tributaries were replaced with 180.5 acre-feet. Total replacement water in 2024 was 6,451 acre-feet. September 2024 tributaries will be released at a date to be determined in 2025, for a total of 89.91 acre-feet. Mr. Rinehart stated that there were 251 +/- 2 active wells in the Wyoming portion of the basin in 2024. By comparison, there were 248 active wells in 2023, and 262 in 2022. Mr. Rinehart reported that Wheatland reservoir #2 was 19.5% full, Wheatland reservoir #3 was 40% in dead-pool, and Wheatland reservoir #1 was 35.5% full. Grayrocks reservoir was 79% full, likely an outlier in terms of storage. Mr. Rinehart went on to talk about flows at Horse Creek, stating they were approximately 30 cfs. Hawk Springs reservoir, which is on Horse Creek, had suffered low levels for some time. Mr. Rinehart notified the Committee on the status of the LaPrele Dam and Reservoir, stating that the Wyoming State Engineer had recently ordered a breach of the dam. The Inland Lakes had a total storage of 16,542 acre-feet, around average for past years. Mr. Rinehart finished by stating that the local area had not received any significant precipitation in months.

##### **4.2 Bureau of Reclamation**

Mr. Finnegan reported on the overall system inflows. For the 2024 water year, they were 1,098 kaf, 83% of average. System storage was 1,412,000 acre-feet, 94% of average and 50% of capacity. The system was 262,000 acre-feet lower than last year. Regarding ownership, Kendrick had 851,500 acre-feet, North Platte (Pathfinder, Guernsey) had 437,000 acre-feet, and Glendo had 129,900 acre-feet. Glendo ownership came into priority on March 19, filling the irrigation account, but not the evaporation pool. The Glendo Powerhead Pool drew 159 acre-feet. The Inland Lakes account filled on April 8<sup>th</sup>, Pathfinder irrigation account filled June 9<sup>th</sup>. Kendrick did not fill in 2024. There was no allocation in 2024. The Bureau did not have any ongoing water operation projects. Environmental account water was released from Guernsey Reservoir from September 12-24<sup>th</sup>, totaling 30,795 acre-feet. Mr. Finnegan reported that winter flows were 530 cfs into Seminoe and Kortes, 75 CFS below Pathfinder Dam, and 500 cfs out of Alcova and Gray Reef. Glendo was not making releases due to repairs being made on a crossing just below the power plant.

##### **4.3 Nebraska**

Mr. Ostdiek reported that 94% of the state of Nebraska was in drought, more than the previous year. 9% of Nebraska was in extreme drought, down from 14% from the previous year. Water administration for natural flow irrigation rights began on June

14<sup>th</sup>, to protect priority date January 13<sup>th</sup>, 1934. The deepest administration had been on August 8<sup>th</sup>, protecting September 7<sup>th</sup>, 1926. Mr. Ostdiek stated that this was not an administration-heavy year. Natural flow rights opened on Sept 10<sup>th</sup>. Average precipitation in Scottsbluff is 15.8", in the 2024 water year, it had been 12.2". The May-September average was down as well. Mr. Ostdiek reported that the Environmental Account had started the year at 116,000 acre-feet and 113,000 had been released from March-June. The environmental account ended the year with 76,838 acre-feet after all gains and transfers had been accounted for. Lake McConaughy storage started the year at 904,000 acre-feet (52% capacity) and ended at 892,000 acre-feet.

#### **4.4 Colorado**

Ms. Light reported the Colorado state engineer, Jason Ullmann was unable to attend the meeting, but intended to attend future meetings. She stated that the Colorado portion of the Basin was at 89% average snowpack. Ms. Light stated that this snowpack was among the lightest in the state, with other parts of the state of Colorado having above average snowpack. Flows at the Northgate gaging station were recently 60% of average. The peak was 1,900 cfs in June, flows were on average lower than in previous years. There were no calls on the river in 2024. Preliminary estimates of reservoir depletion were 8,900 acre-feet, below the 17,000 acre-foot limitation under the Decree. Preliminary estimates for trans-basin diversions totaled ~4,600 acre-feet. Ms. Light stated she did not expect the state of Colorado to exceed any of the limitations in the Compact.

### **5. Informational Items**

#### **5.1 Gering-Ft. Laramie/Goshen Canal**

Mr. Nerea reported that Olsson and HDR obtained CMAR contracts with Atkinson construction. Atkinson will oversee the design and construction of the tunnels. There were meetings in Denver in June and Torrington in October to plan further construction, specifically engineering the tunnel deck. HDR was expected to provide a 60% design within two weeks. HDR is also working on permitting for the tunnel project, inducing a NEPA report.

Mr. Bradley asked Mr. Nerea if there would be an annotated cost estimate with the 60% design report. Mr. Nerea replied that the digger-shield approach to construction did not have an annotated cost estimate yet. Mr. Bradley stated the state of Nebraska would like to be kept informed of ongoing cost estimates, as it has contributed funding to the tunnel project. Mr. Nerea replied the Bureau would pass on cost estimates when they were available.

#### **5.2 Seminoe pumped storage project**

Mr. Merrell reported that the Bureau was reviewing designs of the rPlus Hydro pumped storage project at Seminoe Reservoir. The project would involve the use of the Seminoe reservoir as a lower reservoir and the construction of an upper reservoir nearby. The project would use stored water as a means of energy storage, pumping and releasing water from the upper reservoir as needed to store or generate electrical power. The maximum capacity would be approximately 900 megawatts. rPlus Hydro filed a final

FERC license application in 2023, FERC completed a public scoping report and local counties were working through public comments. Mr. Merrell stated that The Bureau of Reclamation expected to have an excess capacity contract with rPlus Hydro to fill the pumped storage system. Eventually that water storage would be discussed by the NPDC.

Mrs. Hubbard added that rPlus Hydro has submitted a reservoir application with the state of Wyoming. The State was waiting for the NEPA process and water rights to be cleared up before moving forward.

Mr. Bradley asked about the storage capacity of the proposed reservoir. Mr. Merrell replied the capacity was expected to be 15,000 acre-feet.

## **6. Reports of Standing Subcommittees**

### **6.1 Consumptive Use Subcommittee (CUSC; Chair: Schellpeper)**

Mr. Kelly reported that the CUSC had been evaluating remote-sensing data for the purposes of improving Exhibit 6A, if feasible. The subcommittee used the Effective Precipitation variable to evaluate remote-sensed, gridded data. The CUSC focused on evaluating two gridded data products: gridMET and PRISM. The CUSC had developed two 'footprints' of irrigated acreage within the Basin to test these gridded data products. The CUSC also created a list of desirable attributes (included in report) for a gridded data product which can be used to compare gridMET and PRISM. The subcommittee requested that the NPDC extend its Phase II, Round 1 evaluation of data and variables for exhibit 6A until at least the spring 2025 meeting. The subcommittee also requested to keep meeting and making progress towards its goals and that the NPDC accept the recommendations made in the subcommittee report.

### **6.2 Replacement Water Subcommittee (RWSC; Chair: Gehle)**

Mr. Kelly reported that the work of the Replacement Water Subcommittee was still on hold.

### **6.3 Finance Subcommittee (FSC; Chair: Hubbard)**

Mrs. Hubbard gave an update on the Nebraska Community Foundation (NCF) account balances for the NPDC Members. Nebraska and Reclamation had \$6.09, and Wyoming had \$23,120.00. The total NCF account value was \$23,132. Mrs. Hubbard provided the 3<sup>rd</sup> quarter NCF financial statement as a reference. At the spring 2024 meeting, the NPDC approved a \$5,500 for weather station operation. The invoice had been approved and submitted, but not paid. Mrs. Hubbard stated that the NCF would wait for approval of the Flatwater Group invoice at the current meeting to make payments. The Flatwater Group invoice for database management was for \$17,500, to be split evenly between the three parties to the NPDC. Mrs. Hubbard reported that the Flatwater Group contract which expired at the end of 2024 was replaced with a three-year contract totaling \$30,000, to be annualized. Mrs. Hubbard ended by requesting the NPDC accept the FSC report.

Mr. Merrell asked Mrs. Hubbard why the NCF wanted to make payments in one batch per year, Mrs. Hubbard replied that she believed it was easier and simpler for the NCF.

Mrs. Hubbard also reminded the NPDC to consider the expiration of their contract with the NCF which would expire in several years.

**6.4 Official Files Subcommittee (OFSC; Chair: Kelly)**

Mr. Kelly repeated Mrs. Hubbard's comments on the \$17,500 invoice from the Flatwater Group for database management, the invoice for which was presented to the NPDC for approval. He stated that there was a database management contract in place until 2027. Mr. Kelly reminded the NPDC members to continue using the NPDC database as instructed for official records and files. He stated that he would look into how files were categorized based on which meeting they pertained to. Mr. Kelly asked the NPDC to approve the payments requested and accept the OFSC report.

**6.5 By Laws Ad-Hoc Subcommittee (Chair; Hubbard)**

Mrs. Hubbard reported that the subcommittee had met and exchanged emails since the spring 2024 meeting. Draft bylaws and charter language had been created, but it still needed review before presenting to the NPDC. The subcommittee would work on finalizing the draft bylaws and charter language and present it to the NPDC at the spring 2025 meeting.

**6.6 Control Crest Subcommittee (CCSC; Chair: Rinehart)**

Mr. Rinehart reported that the subcommittee had met following the spring 2024 NPDC meeting to address removing the requirement that Pathfinder Irrigation District (PID) send a request to the NPDC to allow delivery of natural flow concurrently with transfers of water from Glendo and Guernsey reservoirs to the Inland Lakes reservoirs (concurrent transfer). Normally, the PID would have to make the concurrent transfer request in person at each spring NPDC meeting. The CCSC drafted language in the natural flow ownership accounting procedures to allow the concurrent transfer without needing to make a request of the NPDC. Mr. Rinehart stated that if the NPDC felt this rule change should be reversed in the future, it would be easy to do so.

Mr. Rinehart asked the NPDC if it would prefer maintaining the requirement for PID to request NPDC approval before making concurrent transfers but allow them to be made over email and not in person. Mrs. Hubbard explained that if the NPDC still wanted to take a request from PID for concurrent transfer, it could possibly require an email or mailed request rather than require the district to make the request in person. Mr. Merrell wondered if such a policy would be necessary since the drafted rules change would not require the PID to make a request at all. Mr. Rinehart and Mrs. Hubbard clarified that they were asking if the NPDC still wanted to require PID to make a request for concurrent transfer. Mr. Ostdiek stated he believed the NPDC had already resolved to not require a request. Mr. Wells stated the PID would likely make the request every year if required, because the practice of concurrent transfer was useful to them. Mr. Hanzlik stated he was under the impression the NPDC had been more concerned with PID having to send someone to the NPDC meetings in person than with the requirement to send the NPDC a request for concurrent delivery. Mr. Bradley asked if Wyoming preferred to continue requiring a request but remove the in-person requirement or

remove the requirement for requests altogether. Mrs. Hubbard asked if there would ever be a reason for the CCSC to deny the request, Mr. Ostdiek could not think of one and there had never been a concern regarding concurrent deliveries, even during allocation years. He wondered if the NPDC even had the authority to deny PID from moving natural flow. Mr. Wells stated the concurrent transfer practice was more efficient due to priming the canal system. Mr. Bradley asked Wyoming if they wanted to make a final decision at the spring meeting. Mr. Wells stated that PID could be allowed to send an email request in spring 2025 and the issue could be rediscussed with the main NPDC principals present.

Mr. Bradley recommended the NPDC accept the CCSC report and revisit the conversation about concurrent transfers at the spring 2025 NPDC meeting.

Mr. Rinehart announced that he would step down as CCSC chair at some point in the future and possibly would not be available in the spring of 2025. He was proposed Tylor Hanzlik as an alternate chair.

*Motion by Mr. Corey Rinehart to accept all subcommittee reports and review the Control Crest Subcommittee recommendations at the spring 2025 meeting. Mrs. Christina Davis-Kernan seconded. Motion passed by unanimous vote.*

## **7. Review NPDC Representative & Subcommittee Membership**

Wyoming Control Crest Subcommittee chair changed from Mr. Cory Rinehart to Mr. Tylor Hanzlik.

Mr. Ryan Kelly notified the NPDC that Mr. Andy Pedley may replace him as Official Files Subcommittee chair.

Mrs. Michelle Hubbard suggested listing Erin Light as an optional member of the Control Crest Subcommittee to make it clear she is not required to sign their reports. The NPDC will discuss further in the spring 2025 meeting.

## **8. Meeting Summary**

### **8.1 Future Agenda Items**

No future agenda items.

### **8.2 Schedule Spring 2025 NPDC Meeting and Location**

The spring meeting is set to be on April 9<sup>th</sup>, 2025, Panhandle Research Extension Center, Scottsbluff, Nebraska.