

## North Platte Decree Committee Meeting

### Final Minutes

April 11, 2018

#### Attendees:

##### Representatives of the NPDC:

Carlie Ronca, Bureau of Reclamation (Reclamation)

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

Patrick T. Tyrrell, Wyoming State Engineer's Office (WY-SEO)

Jeremy Gehle, NE Department of Natural Resources (NE-DNR), Alternate for Gordon W. "Jeff" Fassett, NPDC Chair

##### Others in Attendance:

Rob Foreman	WY-SEO
Kent Becker	WY-SEO
Brian Pugsley	WY-SEO
Jeff Cowley	WY-SEO
Elise Jarrett	NE-DNR
Melissa Mosier	NE-DNR
Tom Hayden	NE-DNR
Art Hill	Reclamation
Daryl Kohut	Reclamation
Mahonri Williams	Reclamation
Dennis Strauch	Pathfinder Irrigation District
John Berge	North Platte Natural Resources District
Steve Smith	Simmons Olsen Law Firm, P.C.

The NPDC meeting was called to order at 1:00 p.m. MDT on April 11, 2018, at the Panhandle Research and Extension Center in Scottsbluff, Nebraska. Due to Jeff Fassett's absence, Vice-Chair Carlie Ronca led the meeting. The sign-in sheet / attendance list from the meeting is *Attachment A*.

#### 1. Review Agenda

A draft proposed agenda was distributed to the NPDC members on March 8, 2018, and a final proposed agenda was distributed on April 2, 2018. Patrick T. Tyrrell recommended adding 9.3 FERC Study to the agenda. There were no objections to the amendment and the meeting proceeded per the agenda, which is *Attachment B*.

#### 2. Approve Minutes from November 2017 Meeting

The minutes for the November 7, 2017, meeting in Torrington, WY were approved (Wyoming motioned, Nebraska seconded, the motion carried). Nebraska is working with Wyoming to route the signature sheet. The signature page to the November 2017 minutes is *Attachment C*.

#### 3. Water Administration, Operational/Accounting, Allocation Issues, Other

##### 3.1. Wyoming

Brian Pugsley stated that Reclamation's morning report covered the current status on snow pack, but wanted to provide additional information on other activities throughout the division,

specifically on the current reservoir capacities outside of Reclamation's control. Mr. Pugsley reported that Wheatland #2 Reservoir is currently at about 72,000 AF (~73% full), Wheatland #3 Reservoir is currently at about 57,000 AF (~80% full), Lake Hattie is currently at 60,500 AF (~64% full), and Grayrocks Reservoir is full and is actually spilling water from the reservoir, which could lead to some additional flows in the North Platte River this spring. Two other reservoirs Mr. Pugsley noted were La Prele Reservoir which is currently at 7,200 AF (~36% full) and is predicted, based off this year's snow pack, to not be completely filled and Hawk Springs Reservoir which is currently full. Smaller reservoirs below Hawk Springs are trying to be filled with the bypassing water.

Mr. Pugsley reported on replacement obligations. For the 242 active irrigation wells in Water Year 2017 there will be 5,905 AF of replacement water incorporated into the system once storage deliveries begin. There was a carry-over of 71 AF for the September 2017 Triangle Tributaries that will also be incorporated once storage delivery begins. There is an estimated 500 AF of tributary replacement that will likely be incorporated throughout the summer. Overall, it is estimated that there will be 6,500 AF that will be released for replacement obligations under the settlement. Mr. Pugsley was directed to take half of the replacement water out of Wyoming's Glendo account and the other half out of the Wyoming-Pathfinder account.

Mr. Pugsley pointed out that due to it not being an allocation year, pumping will continue to be monitored between Gray Reef and Guernsey. He was told that Mr. Harry LaBonde from the Wyoming Water Development Commission will be offering 9,600 AF out of the Wyoming account to assist with endangered species in central Nebraska.

Mr. Tyrrell provided some recent legal background on Lake Hattie, pertaining to irrigation storage, the canal company who uses that water, and adjacent homeowners.

### **3.2. Reclamation**

Mahonri Williams recapped the morning's discussion. He reported that there was very good storage and storage ownership carry over from the previous year. The April forecast of runoff into Seminoe Reservoir is 575,000 AF (83% of average), Sweetwater into Pathfinder Reservoir is 40,000 AF (75% of average), Alcova into the Glendo Reach is 100,000 AF (74% of average). Despite being below average, when combined with the carry over and water already accrued, a full water supply is predicted for irrigation. Mr. Williams reported on the storage ownership accounts as of March 31, 2018. Based on forecast and projections, it is anticipated that Pathfinder, Inland Lakes, and Glendo ownerships will all fill, and Kendrick ownership, despite not filling, has several years of water supply already in storage carried over from last year. There was an inquiry on whether or not Reclamation utilizes any of the NRCS soil saturation level data in their forecasts. Mr. Williams responded that they do not use that data directly in their forecasting program.

### **3.3. Nebraska**

Tom Hayden reported on water, average area temperature, and precipitation conditions in Nebraska. Compared to last year (October to March), water in the river has decreased roughly 300-400 cfs, the average area temperature has decreased from 54 degrees to 50 degrees, precipitation in the system as a whole has decreased from 48" to 40" (based on Bridgeport), and rainfall has decreased from 6" to 3". With the current conditions, Mr. Hayden believed that the current situation in the Grayrocks area will help Nebraska this upcoming year.

Mr. Pugsley commented that there is a little room left in the upper reservoirs, so the release of water will be dependent on when those fill.

Mr. Hayden reported that there was an overwhelming appreciation from the irrigators on the earlier release of the EA water. This also created less damage on sand dams. The Reclamation and Wyoming expressed that it didn't negatively affect them to make those releases earlier.

### **3.4. Colorado**

Erin Light reported on water conditions in Colorado. The past weekend's snow and rain events completely filled the Laramie and North Platte, and the Colorado river basins and brought the Yampa and White river basin close to 100%, which will be helpful for storage levels in Lake Powell. Ms. Light explained that weather is extremely variable throughout the state and several other basins haven't been as lucky including the Rio Grande, San Juan, and lower parts of the Colorado, Gunnison and Uncompahgre, which are all way below average in the 50-60% range. Also reported was that the projected streamflow of the North Platte near North Gate is predicted to be below average at about 86%. Colorado operates three gages within Colorado's portion of the North Platte River Basin that are scheduled to be opened up that day and are solely used for Colorado's water rights administration. Ms. Light recapped Colorado's 2017 numbers: total irrigated acres were about 111,000 acres; irrigation storage was about 6,500 AF; and trans-basin diversions were up from 2016 at around 5,000 AF due to Michigan Ditch construction in the previous year.

### **4. Review and Modify Natural Flow and Ownership Procedures for Water Year 2018 and Part C Supplemental Accounting Procedures for 2018 Allocation Water Year**

Wyoming reported that one of the Ad Hoc subcommittee's assignments was to identify anything that was missing from the Natural Flow and Ownership document, which resulted with the development of Part D. The supplemental document takes into account the release of the CNPPID water. The only change that was made to the rest of the procedures for this year was updating the document dates.

Mr. Tyrrell asked a clarifying question pertaining to the 9 cfs value listed in number six of Part D- whether the 9 cfs is applied for every month or whether it is applied only to the month that the releases are made. It was answered that the 9 cfs will only be applied only to the month the releases are made.

Part D (included as part of the Natural Flow and Ownership Ad Hoc Subcommittee's report) was adopted and will be included in the Natural Flow and Ownership Procedures (*Attachment D*). (WY motioned, NE seconded, motion carried).

### **5. Pathfinder Irrigation District – Diversion of Natural Flow with Inland Lakes Water**

Dennis Strauch from Pathfinder Irrigation District requested approval to divert natural flow water along with Inland Lakes ownership water being delivered to the Interstate Canal after May 1. They would tentatively start moving Inland Lakes water from Guernsey around April 23, 2018, and increase natural flow around May 8, 2018. It's anticipated that Inland Lakes water will be out of the system around May 20, 2018 and natural flow diversions for irrigation will continue until May 30, 2018. Mr. Strauch also anticipated that they will shut off their system around the end of May and then turn on again in June.

Reclamation voiced their support for the request.

The request was approved (Wyoming motioned, NE seconded, the motion carried).

### **6. Replacement Water – Exhibit 10, Paragraph D.3.: Compile information regarding the estimated number of "trigger days"**

Reclamation referenced their letter dated February 15, 2018, which indicated 70 water replacement days. In Wyoming's letter sent out on February 15, 2018, they also indicated 70 water replacement days. Nebraska agreed with both parties' calculations.

**7. Activities Due or to be Initiated by Spring 2018 – Brief Status Reports/Updates**

Mr. Tyrrell shared the information for the 12 reports under agenda item 7. A written response from Wyoming is included as *Attachment E*.

**8. Participant List of NPDC Committee and Subcommittee Memberships**

Melissa Mosier indicated the provided list (*Attachment F*) is the most up-to-date and has incorporated the information from the November 2017 meeting. She has not received any additional notifications on participant changes. Reclamation, Wyoming, Colorado, and Nebraska all reviewed the list and agreed that no changes were needed to be made at that time.

**9. Informational Items**

**9.1. PRRIP – Pathfinder Reservoir proposal**

Dennis Strauch provided an update on the proposal to market water from the Pathfinder Irrigation Account to Platte River Recovery Implementation Program (PRRIP). The Executive Director's Office performed an analysis on historical irrigation use from the Pathfinder Account and concluded that usage has declined in recent years. There are some legalities that need to be worked through before going to Congress. Concerns relating to additional calls being placed has been expressed by some of the water users in the Saratoga area. Specific language in the federal legislation is currently being drafted to address these concerns and is predicted to be finalized this summer in order to be submitted to Congress next session. Mr. Strauch also mentioned that all 13 contracting districts have sent letters to their respective governors expressing support of the proposal.

**9.2. PAWS – Joint WY-NE municipal water project proposal**

There was no report at this time and it was agreed upon to add this item to the agenda for discussion at the fall 2018 meeting.  
Reclamation provided a few comments on their previous involvement with the study.

**9.3. FERC**

Mr. Tyrrell provided information on a recent application (*Attachment G*) filed by BM Energy Park, LLC for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, to build a pump storage project in the Deer Creek area of Wyoming. Power would be generated between two reservoirs.

Jeff Cowley commented that this project is trying to level out the peaks in the power supply grid by turning it on and off very quickly. Mr. Cowley shared that, when meeting with the project team from BM Energy Park, LLC, he expressed that the 4,000 AF needed for this project is going to be difficult to come by. They were aware of this and were looking at various options in order to obtain the necessary water.

**10. Reports of Subcommittees**

**10.1. Groundwater Wells Subcommittee (GWSC)**

There was no report.

**10.2. Control Crest Subcommittee (CCSC)**

Mr. Pugsley handed out copies of the minutes from the CCSC meeting held on January 18, 2018. He reported that the gage data from Sinclair to the Wyoming-Nebraska state line has been reviewed and analyzed. It was found that there was no change in rating table shifts, and the only potential future change would be the measuring frequency. Mr. Pugsley went through the major gages on the river and described the rating table that would be used and the timing of the measurements depending on flows. There was one exception made for the Orin Gage measurements due to significant fluctuation between the H-350 and radar readings in 2017. It was determined that the H-350 gage was off and the subcommittee recommended the radar gage become the base gage for Water Year 2018 and the H-350 gage become the backup gage. A question was asked if ice is ever an issue at this gage site. Mr. Pugsley responded that it is not because the most critical readings are taken during the summer months when ice is not present.

Additionally, it was noted that there is a large sand bar that is developing underneath the cable way at the state line gage. The possibility of its relocation and what that will entail (working with the U.S. Army Corps of Engineers) is being researched.

The report (*Attachment H*) was approved (WY motioned, NE seconded, the motion carried).

### **10.3. Replacement Water Subcommittee (RWSC)**

Ms. Mosier provided a recap of the March 2018 joint RWSC and CUSC conference call meeting pertaining to the status of the irrigation surveys and the next steps. Members expressed they needed a little more time to discuss with their respective agencies. Ms. Mosier recommended that further discussion be delayed until the Fall 2018 meeting when Director Fassett will be present.

Mr. Tyrell pointed out that, based off the Fall 2016 meeting decision, the surveys will be implemented at a ten-year, rather than five-year interval, and therefore, the next survey will need to be conducted in 2022. Ms. Mosier confirmed.

The report (*Attachment I*) was approved (NE motioned, WY seconded, the motion carried).

### **10.4. Consumptive Use Subcommittee (CUSC)**

Ms. Mosier noted that the report on the discussion from the March 2018 joint RWSC and CUSC conference call meeting was pertinent to the CUSC as well. Ms. Mosier also noted there was an update on weather station services provided by Wyoming in 2017 and was seeking approval of a \$10,239.68 invoice.

Mr. Cowley provided the details on the weather station maintenance services provided by Wyoming, which entailed the replacement of three modems, power and cell bills, transportation, and sensors. He anticipates the costs for the next several years will level out as there shouldn't be as many big equipment purchases.

A question was raised in regard to whether or not it would make more sense to conduct both surveys at the same time, rather than have one a year before the other. Ms. Mosier was unaware of the reasoning behind this decision, but will check into it and report back at the Fall 2018 meeting.

The invoice and report (*Attachment J*) were approved (NE motioned, CO seconded, the motion carried).

### **10.5. Official Files Subcommittee (OFSC)**

Ms. Mosier informed the group that all files submitted to the NPDC Share Point Inbox were approved to be included in the Official Files and will be added to the database. Ms. Mosier presented an \$825 invoice for services provided by Flatwater for Nebraska pertaining to the

Official Files document and database management in 2017. The invoice was forwarded to the NPDC Chair and Finance Subcommittee on March 27, 2018, and signatures for the approval sheet are needed. Ms. Mosier reported that there is an action item to terminate the 2015 funding agreement for the document and database management services provided by Nebraska, which has been replaced by the updated 2017 contract between Flatwater and NPDC via the Nebraska Community Foundation.

Mr. Tyrrell inquired whether or not the NPDC Committee approved the \$825 invoice. Ms. Mosier responded that because the amount falls under the 'Not to Exceed Limit' specified in the funding agreement approval is only needed by the NPDC Chair and the Finance Subcommittee Chair, along with the approval page signatures.

The report (*Attachment K*) was approved and the October 22, 2015, funding agreement was terminated (WY motioned, NE seconded, the motion carried).

#### **10.6. Finance Subcommittee (FSC)**

Mr. Cowley addressed the two outstanding bills that have previously been discussed. The first item of business he addressed was the unusual formatting of the balance sheet, which usually contains quarterly information. He explained that there were errors found in the quarterly reports, but they will be corrected and new reports will be sent out with the accurate information. The second item of business Mr. Cowley reported on was the approval pages for the two bills. He noted there would be an additional 5% added on to the \$10,239.68 weather station services invoice for Nebraska Community Foundation fees, which will bring the total cost up to \$10,751.67. After being divided by three, each party will owe \$3,583.89. There would also be an additional 5% added onto the \$825 Official Files document and database management services invoice for Nebraska Community Foundation fees, which will bring the total cost up to \$866.25. After being divided by three, each party will owe \$288.75. Both the report (*Attachment L*) and the final costs (invoice plus 5%) were approved (WY motioned, CO seconded, the motion carried).

#### **10.7. Ad Hoc Natural Flow and Ownership Subcommittee**

Mr. Pugsley did not have any action items to report on, but provided information on the previous discussion pertaining to NPDC's decision made at the Fall 2017 meeting in regard to the amount of accrued water in the Re Reg account. There was roughly 24,000 AF in that account of which about 16,000 AF was transferred to the Pathfinder ownership and about 8,000 AF was transferred to the Guernsey ownership. Also, 18 AF was left in the account due to contractual parameters. Guernsey ownership was filled approximately 14 days early and accrued about 800 AF in the operational account. Roughly 8,000 AF was put into the Glendo ownership. The report (*Attachment M*) was approved (NE motioned, CO seconded, motion carried).

### **11. Meeting Summary**

#### **11.1. Future Agenda Items**

Agenda items that will be revisited and discussed at the Fall 2018 meeting will include the BM Energy Park project proposal, CUSC and RWSC irrigation surveys, the PRRIP extension, and the PAWS proposal.

#### **11.2. Schedule Fall 2018 NPDC Meeting and Location**

The next meeting is scheduled for 10:00 a.m. MDT on October 23, 2018 in Torrington, WY. The meeting will be held in the Branding Room. The morning start time for the NPDC meeting is the result of Reclamation not planning to have a fall water information meeting. Reclamation

discussed this with meeting participants in the spring North Platte water information meeting (held in the morning before the NPDC meeting) and determined that a fall water information meeting is not necessary.

The meeting adjourned at 2:45 p.m. MDT.