

# NORTH PLATTE DECREE COMMITTEE MEETING

## Minutes

April 11, 2019

*\*Due to inclement weather and travel conditions, the spring 2019 NPDC meeting was held by conference call.*

### Attendees:

#### Representatives of the NPDC:

Carlie Ronca, Bureau of Reclamation (Reclamation)

Erin Light (alternate for Kevin Rein), Colorado Division of Water Resources (CO)

Rick Deuell, Wyoming State Engineer's Office (WY)

Gordon W. "Jeff" Fassett, Nebraska Department of Natural Resources (NE), NPDC Chair

#### Others in Attendance:

Rob Foreman	WY	Jeremy Gehle	NE
Kent Becker	WY	Emily Rose	NE
Brian Pugsley	WY	Isabella Peterson	NE
Jeff Cowley	WY	Shane Hayden	Reclamation
Charlie Ferrantelli	WY	Matt Wells	Reclamation
Beth Eckles	NE	Lyle Myler	Reclamation
Melissa Mosier	NE	Dennis Strauch	Pathfinder ID
Tom Hayden	NE	Bill Pierce	Alliance ID
Carrie Wiese	NE		

### 1. Introductions

The NPDC meeting was called to order at 1:03 p.m. MT on April 11, 2019, via conference call and Zoom meeting hosted by NeDNR, and began with introductions by meeting attendees. The attendance list from the meeting is *Attachment A*.

### 2. Review Agenda

A draft agenda was distributed to the NPDC members on March 20, 2019, and a final proposed agenda was distributed on March 29, 2019. There were no changes recommended and the meeting proceeded per the agenda, which is *Attachment B*.

### 3. Approve Minutes from October 17, 2018, Meeting

The final draft minutes for the October 17, 2018, NPDC meeting held in Torrington, WY, were distributed via email by Nebraska on March 8, 2019.

**Motion** to approve the October 17, 2018, NPDC meeting minutes: Reclamation motioned, Wyoming seconded, the motion carried.

The signature page for the October 2018 NPDC meeting minutes is *Attachment C*.

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

##### **4.1. Wyoming**

Brian Pugsley provided the water administration report for Wyoming. Snow pack in the Upper North Platte Basin is at 115% of normal as of April 8, which does not include the most current snow storm, and was at 94% last year at this time. The Sweetwater River is at 91%, compared to 87% last year at this time. The Lower North Platte River Basin is at 122%, which was at 71% last year. The Laramie River drainage is at 111%, and last year was at 106%. National Weather Service is predicting 950,000 af of runoff from above Seminoe coming from the North Platte and Medicine Bow drainages; the Sweetwater drainage has a predicted runoff of 47,000 af; the Laramie River drainage is showing 194,000 af; Wheatland Irrigation District #2 is at 49,000, or about 50% of their 98,000 af; Wheatland #3 accrued 38,000 of their 71,000 af; Grayrocks is now at 95,000 af of their 104,000 af; Hawk Springs Reservoir is full; Lake Hattie is at 36,000 af of their 65,000 af. LaPrele Irrigation District is now at 5,000 af, has capacity to store 20,000 af, but will likely fill and could spill. However, they will probably prevent the reservoir from spilling due to spillway issues. The only administration is currently on the Laramie for Wheatland Reservoir #2, and has been in place since October 1, 2018.

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

Carlie Ronca, introduced Shane Hayden, Reclamation's new Water and Civil Works Branch Supervisor, who gave their water report.

At the end of water year 2018, there was a total of 1.6 M af of system storage, being 115% of average; as of March 31<sup>st</sup>, total system storage is 1.8 M af, which is 110% of average; forecast for drainage into Seminoe Reservoir is 800,000 af, which is 117% of average; Sweetwater is 45,000 af, being 84% of average; Alcova to Glendo reach 160,000 af, which is 119% of average. Based on the current storage and the forecasts, Reclamation is projecting a full irrigation supply for water year 2019. For the ownerships, as of March 31, 2019, the Kendrick Project is 84% of full; Guernsey is 78% full; Pathfinder is 57% full; Inland Lakes is 40% full; Glendo is 79% full; we are projecting that Pathfinder and Inland Lakes ownerships will fill; Kendrick will not fill; Glendo will fill all accounts, with the exception of the evaporation portion. The May 1<sup>st</sup> forecast will include the recent storms.

##### **4.3. Nebraska**

Tom Hayden reported for Nebraska. No water administration is occurring at this time. Since October 2018 to March 2019, precipitation total was 6.6 inches, or 178% of normal. Not counting the latest snow storm (April 15<sup>th</sup>-16<sup>th</sup>), snow fall totals are 53" in the Panhandle. While the ground was frozen earlier this year, the melting snow ran off the fields, but now the current warmer weather is causing the snow to melt and making access to the fields difficult. Operators are behind in planting beets, and likely will see a lot of late crop planting. About 45 head of cattle were lost due to the mid-March snowstorm.

#### 4.4. Colorado

Erin Light provided the report for Colorado. The snow pack looks good in the headwaters of the North Platte River, which is at 115% as of April 10, 2019, compared to last year when it was 100%. Reporting that approximately 105,000 acres was irrigated, which is approximately 5,000 fewer acres than last year; stored approximately 7,200 af for irrigation purposes; and trans-basin diversions were about 4,640 af, making the ten year aggregate approximately 32,400 af. In the years following the 2002 and 2012 drought, Colorado bumped up against its storage limit of 17,000 af. With 2018 being a dry year and 2019 showing to be a wet year Colorado does not want to hit up against its storage limit as with a previous dry/wet year scenario. Colorado is cognizant about tracking storage levels and will be keeping a close eye on the storage limit.

#### 5. Review and Modify Natural Flow and Ownership Procedures for Water Year 2019 and Part C Supplemental Accounting Procedures for 2018 Allocation Water Year

Brian Pugsley reported that the Control Crest Subcommittee, and at times the Natural Flow and Ownership Accounting Ad-Hoc Subcommittee, will review the annual procedure document. Generally, the document doesn't change except for updating the current water year. He stated that the water year update was the only revision in the procedure document for the 2019 (*Attachment D*).

**Motion** to approve the North Platte River Natural Flow and Ownership Accounting Procedures for Water Year 2019: Reclamation motioned, Wyoming seconded, motion carried.

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

Reclamation referenced their letter dated March 12, 2019, which indicated 85 water replacement days for water year 2018. In Wyoming's letter sent out on March 18, 2019, they also indicated 85 water replacement days. Nebraska provided verbal agreement with the 85 water replacement days calculation.

#### 7. Activities Due or to be Initiated by Spring 2019 – Brief Status Reports/Updates (as per settlement timeline adopted April 12, 2002)

Jeff Cowley shared the information for the 12 reports distributed by Wyoming under agenda item 7. A written summary from Wyoming is included as *Attachment E*.

Question: Did you see any trends, or was last year unique in anyway?

Answer: Last year went as planned as far as intentional irrigation for a dry year. The number of acres irrigated last year was 206,314, and this year there were 178,890 acres, so a sharp downward trend for intentionally irrigated acres. This was very similar to the drop off seen from 2011 to 2012.

#### 8. Informational Items

##### 8.1. Diversion of Natural Flow with Inland Lakes water (Pathfinder Irrigation District)

Dennis Strauch from Pathfinder Irrigation District indicated that the Pathfinder Irrigation District (PID) usually makes a request to the NPDC to be allowed to deliver natural flow water while transferring water into Inland Lakes Reservoir. This process involves using piggy back accounting to count water as natural flow, as well as transferred Inland Lakes storage water. Mr. Strauch is making the same request for 2019.

Wyoming stated they don't have any issues with PID moving natural flow to Inland Lakes and at the same time as delivering natural flow water to Wyoming and Nebraska land. Carlie Ronca said that Reclamation also supports this procedure for 2019.

**Motion** to approve Dennis Strauch's (PID) request to deliver natural flow while transferring into Inland Lakes storage for 2019: Reclamation motioned, Wyoming seconded, the motion carried.

### **8.2. Basin Electric Power Company**

Representatives from Basin Electric Power Company were not present. Jeff Cowley had a conversation with Levi Mickelsen from Basin Electric who indicated that the negotiations have not resulted in a renewal of their contract to use the Johnson wellfield as a back-up supply of water. Since the Johnson wellfield is mentioned in Exhibit 3 of the North Platte Decree, Basin Electric will continue to update the NPDC as they move forward and determine their next steps.

### **8.3. Platte Alliance Water Supply – PAWS**

Representatives from PAWS were not present. The NPDC representatives did not have any new updates on the PAWS project.

### **8.4. PRRIP extension – update**

Jeff Fassett noted that the Platte River Recovery Implementation Program's (PRRIP) congressional authorization ends at the end of 2019. Congressional legislation for a 13-year extension of PRRIP's 1<sup>st</sup> increment has been introduced by U.S. Senator Barrasso from Wyoming, with co-sponsors from Nebraska and Colorado. There is also work occurring to get a mirror bill introduced into the House of Representatives.

### **8.5. Glendo Reservoir – Flood control pool repurposing**

The Glendo Reservoir Full Utilization study was an effort lead by the Wyoming Water Development Office, the Bureau of Reclamation, and the Army Corps of Engineers. Carlie Ronca said the final report was received by her office in late December 2018.

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

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

The CCSC met on January 30, 2019 and discussed the North Platte River streamgages. Brian Pugsley summarized the CCSC's recommendations (e.g., measurement shifts, intervals between measurements, rating tables, etc.) for the streamgage sites, which were agreed to by the CCSC members unanimously. Due to the presence of a large sandbar near the cableway, staff are measuring two different channels at that site. Rechanneling the river at this site is not currently a viable option, and instead, a pulley

system and ADCP (acoustic Doppler current profiler) boat is being used and providing good measurements. The 2019 Water Year measurement schedule for Control Crest Sites is attached to the CCSC's report (*Attachment F*).

### **9.2. Consumptive Use Subcommittee (Chair: M. Mosier)**

Melissa Mosier presented an invoice for Wyoming's work related to the weather stations from April 2018 through March 2019. Jeff Cowley provided a summary of the costs represented on the weather station invoice.

Melissa Mosier reported that the subcommittee met for a workshop in Scottsbluff, NE on March 21, 2019. At the workshop, the subcommittee members reviewed the data and methods currently used for Wyoming's annual consumptive use report, and discussed potential options available that could provide more accurate data, as well as methods to analyze that data. Charlie Ferrantelli reported that the data associated with the method currently used by Wyoming to calculate consumptive use is no longer consistent with the data used to calculate the consumptive use cap. For example, weather stations that used to be located in agricultural areas have been moved to non-agricultural areas, likely providing less applicable data. ***The CUSC would like to discuss other available methods, including remote sensing options. Jeff Cowley pointed out that Exhibit 6 in the Decree requires that better methods to calculate the consumptive use be investigated and implemented. Through their planned discussions, the CUSC will also consider that, at this point, the Above Guernsey Area survey or irrigation practices is still required to be conducted in 2021. The CUSC is requesting approval to hold one or two more workshops before the fall 2019 NPDC meeting to further explore these options.***

Finally, at the request of the NPDC at the fall 2018 meeting, Rob Foreman has provided a memo outlining data that the Wyoming SEO already collects and that could be useful to future methods of determining consumptive use. The memo is attached to the CUSC's report (*Attachment G*).

Action items presented to the NPDC for approval were:

- ***Approve payment of invoice #NPDC\_WS-4, April 11, 2019, for \$6,249.64).***
- Approve CUSC's continued exploration of alternative data and methods for determining consumptive use and considering the 2021 Above Guernsey Survey through one to two CUSC workshops to be held prior to the fall 2019 NPDC meeting.

**Motion** to approve both action items presented by the CUSC: Wyoming motioned, Reclamation seconded, motion carried.

### **9.3. Replacement Water Subcommittee (Chair: M. Mosier)**

Melissa Mosier stated that the RWSC has not taken any action since the fall 2019 NPDC meeting. ***The members of the RWSC will be included in the discussions held at the CUSC workshops over the summer 2019 and the Triangle Area survey scheduled to be***

**conducted by the RWSC in 2022 will be considered in those discussions.** The RWSC report is included as *Attachment H*.

#### **9.4. Finance Subcommittee (Chair: J. Cowley)**

Jeff Cowley reported that the Nebraska Community Foundation sent the NPDC financial statement dated February 28, 2019, which includes the current balances for each NPDC party. The 2018-2019 WY weather station invoice for \$6,249 64, includes the 5% NCF fees. The only action item presented by the FSC for this meeting is the approval page for the 2018-2019 WY weather station invoice. The FSC report is included as *Attachment I*.

**Motion** to approve the FSC report and the 2018-2019 WY weather station invoice approval page: Reclamation motioned, Wyoming seconded, motion carried.

#### **9.5. Official Files Subcommittee (Chair: M. Mosier)**

Melissa Mosier reported that official files sent to SharePoint Inbox since October 2018 have been reviewed by the OFSC members and approved. The NPDC Representative and Subcommittee membership list has been updated since the October 2018 NPDC meeting, and is presented under agenda item 10. After receiving approval from the NPDC at the October NPDC meeting to move forward with an amendment to the Official Files document and database services contract with The Flatwater Group (TFG), the OFSC has worked with both the NCF and TFG on a draft amendment that is acceptable to the parties. The contract is between the NCF, on behalf of the NPDC, and TFG. The amendment covers the increase costs associated with setting-up separate user accounts in the SharePoint database for each of the four NPDC parties in order to implement a multi-factor authentication security system. This will cost \$5 per user per month. The current contract with TFG for official files maintenance is \$5,244/year, and the amendment will increase the cost to \$5,484/year. The amendment to the TFG contract is included in the OFSC report (*Attachment J*).

**Motion** to approve Amendment One to the contract between TFG and the NCF for ongoing support of the Official Files document and database management system, with a new annual cost of \$5,484/year. Wyoming motioned, Colorado seconded, motion carried.

#### **9.6. Ad Hoc Natural Flow and Ownership Subcommittee (Chair: Pugsley)**

Brian Pugsley reported that the Ad-Hoc NFOSC was tasked by the NPDC at the October 2018 meeting to look into the diversion of natural flow by the Pathfinder Irrigation District (PID). The NFOSC met on January 30, 2019, and Dennis Strauch (PID) was able to attend and provide some background on PID's past and current operations. WY isn't concerned with deliveries of natural flow to appropriators by PID, but the accounting used for natural flow water that PID diverts at Whalen after all Inland Lakes ownership has been transferred and stores in the Inland Lakes. Possibly the diverted, natural flow water should be accounted as transferred Pathfinder ownership water, if it is stored by PID. WY is concerned that the storage of this water could potentially injure other North Platte ownerships (e.g., Glendo contractors and the Kendrick project), especially if it is

stored before the other ownerships fill. NE considers this to be a portion of their 75% share of natural flow, which can be utilized as NE deems appropriate. The NFOSC met again on March 8, 2019, and discussed different scenarios and methods for accounting for this water. The NFOSC met one more time on April 1, 2019, to continue discussions related to this water, and again, were not able to come to consensus on a solution.

The NFOSC requests additional discussion on this topic, including more involvement and direction from the NPDC principals. ***The NFOSC will schedule a meeting at which the subcommittee members, the NPDC representatives, and Dennis Strauch can meet to discuss this topic further.*** The NFOSC report is included as *Attachment K*.

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

Melissa Mosier reported that the NPDC Representative & Subcommittee Membership list has been update since the October 2018 NPDC meeting. The following changes were made and are included in *Attachment L*:

- Patrick Tyrell has been replaced by Rick Deuell under the WY Representatives
- Daryl Kohut has been replaced by Art Hill as the Reclamation representative on the Official Files Subcommittee
- Daryl Kohut has been replaced by Shane Hayden as the Reclamation representative on the Groundwater Wells Subcommittee

***Reclamation requested that the following changes be made to the list:***

- Art Hill will be replaced by Shane Hayden as the Reclamation representative on the Control Crest Subcommittee
- Art Hill will be replaced by Shane Hayden as the Reclamation representative on the Ad-Hoc Natural Flow and Ownership Subcommittee

## **11. Meeting Summary**

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

- Update on Basin Electric and the Johnson wellfield
- Update on 2019 PID operations from Dennis Strauch
- Update from the NFOSC on meeting with principals and pilot accounting system for natural flow with Inland Lakes water
- Report on CUSC consumptive use workshop discussions

### **11.2. Schedule October 2019 NPDC Meeting and Location**

The fall 2019 NPDC meeting will be scheduled as soon as possible by Nebraska. The meeting will be held in Scottsbluff, NE.

Nebraska as NPDC Chair, and the individual subcommittee chairs, will arrange for any necessary signatures.