

NORTH PLATTE DECREE COMMITTEE MEETING

DRAFT MINUTES

OCTOBER 23, 2019

PANHANDLE RESEARCH AND EXTENSION CENTER 4502 AVENUE I, SCOTTSBLUFF NE 69361

MEETING 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	Jim Ostdiek	NE
Brian Pugsley	WY	Michael Olsen	M.C.Schaff & Associates
Jeff Cowley	WY	Lyle Myler	Reclamation
Charlie Ferrantelli	WY	Dennis Strauch	Pathfinder ID
Beth Eckles	NE	Tony Bergantino	WSCO/WRDS
Melissa Mosier	NE	Troy Tweeten	BEPC
Tom Hayden	NE	Levi Mickelsen	BEPC
Carrie Wiese	NE	John Berge	NPNRD
Jeremy Gehle	NE		

1. INTRODUCTIONS

The NPDC meeting was called to order by NPDC Chair, Jeff Fassett, at approximately 1:00 p.m. MT on October 23, 2019, 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 September 24, 2019, and a final proposed agenda was distributed on October 14, 2019. There were no changes recommended and the meeting proceeded per the agenda, which is **Attachment B**.

3. APPROVE MINUTES FROM APRIL 11, 2019, MEETING

The final draft minutes for the April 11, 2019, NPDC meeting were distributed via email by Nebraska on May 30, 2019.

MOTION to approve the April 11, 2019, NPDC meeting minutes: Wyoming motioned, Reclamation seconded, the motion carried.

The signature page for the April 2019 NPDC meeting minutes is **Attachment C**.

4. WATER ADMINISTRATION, OPERATIONAL/ACCOUNTING, ALLOCATION ISSUES, OTHER

4.1. WYOMING

Brian Pugsley reported that snowpack is already building in some of the Basin. Overall, there was a good water supply throughout the 2019 water year. Wheatland #2 and #3 filled in early July, Greyrocks filled in late May, Hawk Springs filled and La Prele filled. Saw normal to above normal streamflow throughout Wyoming Divisions 1 sites. Irrigation districts turned on in April/May. With the exception of the Goshen and Ft. Laramie irrigation districts, which were forced to turn off in mid-July due to a tunnel collapse and then turned on again in late August, the Basin's remaining irrigation districts received a full water supply for the season and crops did well. Due to ample natural flow, WY did not incorporate well replacement water incurred from the 2018 water season. The current estimate for the 2019 season well replacement is 241, ± 3 wells, which will be delivered in the 2020 season, if required.

In regard to the triangle area tributary diversions, there was nothing out of priority, so there was no replacement necessary.

About 33,493 af was released out of Pathfinder from the EA account for endangered species (8/26/19 through 9/8/19) and an additional 4,800 af was released from the Wyoming account for EA (began on 8/25/19 & 8/26/19), for a total of 38,293 af of water. 889 af of CNPPID water was released on 9/8/19. Pretty much all of this water made it down to the state line.

At the end of the 2019 water year, many reservoirs are full or relatively full and the system appears to be in good shape for next year. Wheatland ID #2 46,000 af; Wheatland #3 58,000; Greyrocks is full, Hawk Springs 10,707 af; La Prele 7,244 af.

4.2. BUREAU OF RECLAMATION

Lyle Myler reported that there was good runoff in the spring of this year. April to July Inflows above Seminoe Reservoir were 147% of average. The Alcova to Glendo gain was 157% of average.

Ownerships filled on: Kendrick 6/20/19; Pathfinder (1016 portion) 6/5/19; WY Account 6/5/19; EA Account 6/5/19; Glendo irrigation pool 4/26/19, evap. portion 5/2/19; Guernsey 4/21/19; and Inland Lakes 4/20/19.

Deliveries: Delivered natural flow from Guernsey all season. Target was about 2,000,000 af at the end of September; required transfer 450,000 af (390,000 af Pathfinder and 60,000 af Kendrick, per advance agreement) of ownership to the re-reg account to meet that goal. Ended the season with 2,260,400 af. Delivered a little longer for the Goshen/Ft. Laramie canal. All deliveries stopped on 10/4/19.

End of year ownerships: Kendrick 1,121,000 af, 131%; Glendo 165,000 af, 128%; North Platte Pathfinder 67,000 af, 167%;

September 30, 2019, Reservoir Storage: Seminoe 822,000 af; Pathfinder 844,000 af; Glendo 166,000 af; Guernsey 6,000 af.

Good carryover in general all over the Basin (2,260,400 af, 144%). The October calculation for available supply is likely to be no allocation year expected.

Question: Regarding water transferred to the re-reg account to keep the Goshen/Ft. Laramie canals going – is there still water in that account now?

Answer: Yes. There is a little over 40,000 af of water there, and this water will likely stay in the re-reg account. It makes sense to leave it there now, especially considering the likelihood of filling.

4.3. NEBRASKA

Tom Hayden reported that western Nebraska saw 25 in. of precipitation (normal is 17 in.) and experienced difficulty getting crops planted and irrigation districts turned on in the spring due to prolonged freezes. Bridgeport saw 62 in. of snow over the winter, including 10 in. in April. Once crops did start growing, the area saw significant hail, which caused crop damage. Despite having plenty of water this year, the overall crop condition is not great. The 7/17/19 collapse of the Goshen/Ft. Laramie canal was another hit to area farmers.

4.4. COLORADO

Erin Light reported that the Colorado portion of the Basin also experienced a shorter than normal growing season, with only about three snow-free months this summer.

Water storage for irrigation is being tracked closely due to the 2018 drought and following 2019 wet season. At the end of June there was almost 15,000 af stored and almost all of the reservoirs filled. The larger reservoirs did not release water over the summer due to wet conditions and lack of need for storage water, and there was no need to add fill water. It is expected that Colorado will remain below their 17,000 af storage limit for 2019.

Transbasin diversions: Michigan Ditch carried over 6,200 af (preliminary).

Colorado Division 6 has many ditches without measuring devices on them. The Colorado State Engineer's office has included a goal in their strategic plan to get measuring devices in place in Division 6. Light has begun this task in the Yampa and North Platte River basins. Notices requiring measuring devices were sent out previously, and in September, Light issued 575 orders for measuring devices in the Yampa and North Platte River basins.

5. INFORMATIONAL ITEMS

5.1. GERING-FT. LARAMIE/GOSHEN CANAL TUNNEL COLLAPSE

Carlie Ronca reported that on 7/17/19 tunnel 2 of the Goshen/Ft. Laramie canal collapsed, which also caused water to back-up and breach the canal. The Goshen and Ft. Laramie irrigation districts were affected, with deliveries to 107,000 acres cut-off. The irrigation districts worked quickly to provide a temporary repair of the tunnel and water deliveries

began again on 8/28/19. NPDC principals approved a longer delivery timeframe and deliveries continued until 10/4/19.

The temporary repairs and debris clean-up were performed in tunnel 2, but all three tunnels were evaluated while water was shut off. Additional emergency repairs for tunnel 1 were recommended by Reclamation and carried out. The irrigation districts are working cooperatively and evaluating options for permanent repairs on all three tunnels. Once they have a final recommendation, they will present the plan for permanent repairs to Reclamation for review and approval. Of serious concern is the expense of repairs and the resulting impacts on producers. The State of Wyoming has been working with the districts to provide assistance with funding, and the State of Nebraska is looking forward to their upcoming legislative session through which assistance may be offered.

Reclamation has recommended that additional mitigation measures are performed in tunnels 1 and 2 if permanent repairs are unable to be made before the 2020 irrigation season.

5.2. PRRIP EXTENSION

Identical bills approving the PRRIP extension have been introduced to both the Senate and the House of Representatives, and have gone through committees with favorable recommendations. The bills have been brought to the floor of the Senate and House, and can be considered by either body at any time. Congress needs to authorize both the extension of the Program through 2032 and federal appropriations. All Congress members in Nebraska, Wyoming, and Colorado support the extension.

5.3. BASIN ELECTRIC POWER COMPANY

Levi Mickelsen of Basin Electric Power Cooperative provided an update on the negotiations for the Johnson wellfield. The North Platte Decree's Final Settlement Stipulation includes references to the Johnson wellfield, and the agreement with the owners of the Johnson wells expired in 2018. Negotiations on a new agreement have not succeeded so far. Whether or not a new agreement is made, Basin Electric will continue to make their release requirements. Major issues impacting negotiations include financial terms and ownership of the water right. The parties will meet one more time in an effort to come to a compromise. Basin Electric will keep the NPDC members apprised of any updates to this situation.

5.4. PLATTE ALLIANCE WATER SUPPLY – PAWS

Michael Olsen with M.C. Schaff & Associates provided an update on the Platte Alliance Water Supply project. A draft report on the Level II project study has been completed and is with the Wyoming Water Development Office for review. The draft report is available online at (plattealliancewatersupply.com). A public hearing is scheduled for 11/20/19 in Torrington, Wyoming. The report describes a potential regional water supply system that would deliver treated drinking water to a number of communities in eastern Wyoming and western

Nebraska. This project was not initiated because of any issues with water quantity, but with water quality and the prohibitive costs to small communities that need to treat their water supply. The preferred alternative would involve a water supply from Glendo Reservoir, where both Wyoming and Nebraska have water accounts, and a water treatment plant located near Guernsey. Preliminary cost estimates are at \$275M. Funding details have not been worked out yet, but potential funding partners have begun discussions. Olsen hopes to have the Level II study finalized by the end of this year.

5.5. *BANNER MOUNTAIN ENERGY PARK PROJECT*

There were no updates on this project and it will not be included on future agendas unless new information becomes available.

5.6. *GLENDO RESERVOIR – FLOOD CONTROL POOL REPURPOSING*

There were no updates on this project and it will not be included on future agendas unless new information becomes available

5.7. *DIVERSION OF NATURAL FLOW WITH INLAND LAKES WATER (PATHFINDER IRRIGATION DISTRICT)*

Pathfinder Irrigation District will likely make a request at the spring 2020 NPDC meeting to divert natural flow with Inland Lakes water.

6. REPORTS OF AD HOC SUBCOMMITTEES

6.1. *AD HOC NATURAL FLOW AND OWNERSHIP SUBCOMMITTEE (CHAIR: PUGSLEY)*

Wyoming has looked over Nebraska's recent changes to the 5/29/19 Ad Hoc Natural Flow and Ownership Subcommittee minutes. Pugsley has brought a clean copy of the minutes with all revisions incorporated. It has been concluded that this ad-hoc subcommittee has no further business and will be inactive until further issues are identified.

MOTION to approve the Ad Hoc Natural Flow and Ownership Subcommittee's 5/29/19, meeting minutes, and the recommendation that the ad hoc subcommittee's business has concluded and it can, therefore, be disbanded: Reclamation motioned, Colorado seconded, the motion carried.

The final Ad Hoc Natural Flow and Ownership Subcommittee's May 2019 meeting minutes are ***Attachment D***.

7. REPORTS OF STANDING SUBCOMMITTEES

7.1. *GROUND WATER WELLS SUBCOMMITTEE (CHAIR: MOSER)*

There was no report from the Ground Water Well Subcommittee.

7.2. *CONTROL CREST SUBCOMMITTEE (CHAIR: PUGSLEY)*

The Control Crest Subcommittee will meet early in 2020 and provide a report to the NPDC at the spring 2020 meeting.

Question: Has there been any reported damage to the gages following this big water year?

Answer: No reports of damage have been received so far, but adjustments may need to be made to the rating curves.

7.3. CONSUMPTIVE USE SUBCOMMITTEE (CHAIR: MOSIER)

Melissa Mosier reported that the Consumptive Use Subcommittee (CUSC) received NPDC approval to hold workshops over the summer in order to discuss the current consumptive use methodology used and reported on annually by Wyoming. Two workshops were held on 7/9/19 and 9/12/19, and the notes from those workshops are included as attachments to the CUSC report.

One topic that the CUSC discussed at the workshops was the possibility of moving the weather stations used by NPDC to agricultural areas in order to improve the quality of data collected. In their research, the CUSC members found that many of the weather stations were never located in agricultural areas. The only data that the NPDC uses from the weather stations is temperature and precipitation. Currently, seasonal rather than daily snowfall data is used in the consumptive use calculations, and costs could be reduced by cutting the use of AC power to melt the snow, and using dark containers or solar power instead. Finally, an additional weather station could be acquired and placed in an agricultural area to provide more applicable data.

As far as future data sources and methods, the CUSC has agreed that OpenET may be a promising option for remote sensing. Charlie Ferrantelli and Kari Burgert attended an OpenET conference in October 2019. Currently, it is expected that this tool will be available online and at little to no cost. A beta version of OpenET is expected to be available for testing in early 2020, and will include access to 4 years of data - future versions would include data back to 1984. Users will be able to upload their own polygons. Charlie and Kari will continue to stay involved with the OpenET developers as advisors, and report back on progress.

Tony Bergantino from the Water Resources Data System/Wyoming State Climate Office called-in to one of the summer workshops and performed an initial analysis to look more closely at the relationship between evapotranspiration and Wyoming's reported consumptive use (see Appendix C of the CUSC report). Tony used climate data from PRISM and input it into the Exhibit A spreadsheet that Wyoming uses to calculate annual consumptive use. Generally, the PRISM climate data was similar to the weather station data, with main discrepancies occurring when weather stations have moved or shut down. Tony's report was only shared with the CUSC members in the last few days, so they will look more closely at Tony's findings at future workshops.

Nebraska and Wyoming also discussed Wyoming's sharing of geospatial data on intentionally irrigated acres and what direction might be found in the NPDC documents. Nebraska and Wyoming will continue to discuss data sharing at upcoming CUSC workshops.

MOTION to approve the Consumptive Use Subcommittee's report and request to hold a few more workshops prior to the spring 2020 NPDC meeting. Wyoming motioned to approve, Reclamation seconded, the motion carried.

The final Consumptive Use Subcommittee's report is **Attachment E**.

7.4. REPLACEMENT WATER SUBCOMMITTEE (CHAIR: MOSIER)

The members of the Replacement Water Subcommittee (RWSC) participated in the in the CUSC workshops held over the summer. At the workshops, the upcoming Above Guernsey Area and Triangle Area surveys of irrigation practices were also discussed and will continue to be agenda items at future workshops. The Lingle weather station, from which data for the replacement water calculations is collected, was also considered in the broader discussions about NPDC weather stations. There are no action items associated with the RWSC's report.

MOTION to approve the Replacement Water Subcommittee's report. Colorado motioned to approve, Reclamation seconded, the motion carried.

The final Replacement Water Subcommittee's report is **Attachment F**.

7.5. FINANCE SUBCOMMITTEE (CHAIR: COWLEY)

Jeff Cowley noted that the reported Nebraska Community Foundation (NCF) account balances for the respective NPDC parties are the same as they were at the spring 2019 NPDC meeting. An invoice for 2018-2019 weather station work done by Wyoming, an Amendment to the contract with The Flatwater Group (TFG) for document and database services, and a TFG invoice for work performed in 2017-2018 - all approved by the NPDC at previous meetings, still need to be acted upon. Reclamation will transfer the required funds to pay for the current Wyoming and TFG invoices once the NCF provides them with invoices. The TFG Amendment was approved by the NPDC at the spring 2019 meeting, and it is expected that TFG will send an invoice for work done in 2018-2019 under that Amendment, soon after the Amendment is fully signed.

ACTION: Reclamation and Jeff Cowley will work with the NCF in order to receive the invoices required for the transfer of funds to Reclamation's NPDC account to pay for their share of the amounts invoiced by Wyoming (#NPDC_WS-4) and TFG (#18-2240).

MOTION to approve the Finance Subcommittee's report. Wyoming motioned to approve, Colorado seconded, the motion carried.

The final Finance Subcommittee's report is **Attachment G**.

7.6. OFFICIAL FILES SUBCOMMITTEE (CHAIR: M. MOSIER)

Melissa Mosier reported that the Official Files Subcommittee (OFSC) members have looked at the files submitted to the NPDC official files inbox since the spring 2019 meeting, and she believes that all members have initialed the documents for inclusion in the NPDC official files. The NPDC representative and subcommittee membership list has been updated based on

changes to membership reported at the spring 2019 NPDC meeting (included in the OFSC final report, (**Attachment H**)). Mosier asked if the NPDC could provisionally approve the invoice expected from TFG for document and database work done in 2018-2019. Once the invoice from TFG is received, Mosier will send the invoice and signature page to the NPDC principals via email.

MOTION to provisionally approve payment for the invoice expected from TFG for document and database work completed in 2018-2019, following execution of the Amendment to the TFG contract approved at the spring 2019 NPDC meeting. The invoice and second signature page will be sent to the NPDC parties, per the NPDC Budget and Disbursement Procedures. Reclamation motioned to approve, Nebraska seconded, the motion carried.

8. REVIEW NPDC REPRESENTATIVE & SUBCOMMITTEE MEMBERSHIP

The NPDC Representative and Subcommittee membership list (**Attachment I**) was reviewed by the NPDC members and no changes to the list were requested.

9. MEETING SUMMARY

9.1. FUTURE AGENDA ITEMS

On the spring 2020 NPDC agenda: 1) the Gering-Ft.Laramie/Goshen canal tunnel collapse agenda item will remain, 2) the Banner Mountain and Glendo Reservoir flood control repurposing agenda items will be removed, unless new action is noted, and 3) Reclamation recommended that the Seminoe pump/storage project be added.

9.2. SCHEDULE SPRING 2020 NPDC MEETING AND LOCATION

The spring 2020 NPDC meeting will be held in Torrington, WY (likely the Brand Room at the Goshen County Fairgrounds). The meeting will be held on April 14, 2020, at 1:00 p.m.

NOTE: The spring 2020 NPDC meeting date was later changed to April 7, 2020 at 1:00 p.m. at the Panhandle Extension Center in Scottsbluff, Nebraska

Reclamation will begin their 2-year term as NPDC Chair on January 1, 2020.