

Meeting Minutes
UPPER NIOBRARA RIVER COMPACT
FALL MEETING

Nebraska Department of Natural Resources (NeDNR)
Wyoming State Engineer's Office (WSEO)

November 3, 2022

4:00 p.m. Mountain Time / 5:00 p.m. Central Time

Brand Room at the Goshen County Fair Grounds

7078 Fairgrounds Rd

Torrington, WY 82240.

Agenda Items:

1. Introductions/Attendance:

In-person attendees: Kevin Bjarnason, NeDNR; Ryan Kelly, NeDNR; Cory Rinehart, Wyoming SEO; Michelle Gess, Wyoming SEO; Jeff Cowley, Wyoming SEO; Brandon Gebhart, Wyoming SEO; Jennifer Schellpeper, NeDNR; Tom Riley, NeDNR; Jim Ostdiek, NeDNR; Charlie Ferrantelli, Wyoming SEO; Kody Schawger, NeDNR; Trevor Massey, NeDNR; Tyler Beddingfield, Wyoming SEO.

Virtual attendees: Andy Pedley, NeDNR; Tyler Martin, NeDNR; Wray Lovitt, Wyoming SEO; Pat O'Brien, UNWNRD; Lynn Webster, UNWNRD

2. Updates

a. Nebraska

i. Update and Current Conditions (Jim Ostdiek)

-Dry, 100% of NE is in drought conditions – much lower precipitation than average.

-Surface water administration started July 9th.

-Box Butte Reservoir:

-Oct 1 at 8029 af,

-Max on July 10 at 16831 af,

-Min of 6860 af on September 7,

-Ended with 7306 af on September 30.

-Niobrara River:

-3.11 cfs average,

-2250 af at state line

ii. NRD Activities (Andy Pedley)

Upper Niobrara White NRD:

-In-house modeling to answer questions on SW/GW interactions.

-Met with UNWNRD at NARD conference to discuss preliminary findings.

-Report is in the process final reviews

-Findings are limited by the age of the model. NeDNR will be discussing with UNWNRD whether or not to update the model to MODFLOW 6, and use input data through 2021

Middle Niobrara NRD:

-Amended IMP adjusted timing language in groundwater control reporting for flexibility in when development is reported.

Lower Niobrara NRD:

-IMP amendment conversations are underway.

-NeDNR is allowed to develop 1/3 of acres opened up for groundwater development. Changes would allow SW development acres to “roll over” since often there is not enough acreage opened up to satisfy permit requests in a year. Still in the very beginning stages.

iii. NPS and USGS Niobrara National Scenic River Hydrogeologic Study and Modeling (Andy Pedley)

-Model report is in internal review at USGS; NeDNR has been shown the preliminary model.

-Tentative completion date of internal USGS review is March 2023 with a publication completed in the summer of 2023.

-In response to a question by Brandon Gebhart (WY SEO), Jennifer Schellpeper explained that the modeling effort is to help gain an understanding about GW/SW interaction along the stretch of the Niobrara designated as a Wild and Scenic River by the National Parks Service.

-The model will be complementary to NeDNR’s modeling efforts.

b. Wyoming

i. Update and Current Conditions (Michelle Gess)

Groundwater:

-4 irrigation wells approved, 1 was an enlargement, 3 were new. 7 stock wells, 2 were enlargements.

Surface water:

-Very dry – a few peaks at the state line gauge. There were a few storms near the state line that made flow seem better at that gauge than the rest of the state.

-No surface water diversions, no full fills of irrigation reservoirs

-There was a clarifying discussion about how Wyoming's system works for well permits when they are located within a control area and when they are located outside of a control area. Some portion of the Prairie Center Control Area is located within the Niobrara Basin. In this area there is a spacing limitation of a mile and a half between wells. Applications for any new wells exceeding 25 gallons per minute or petitions for change of existing groundwater use within this area require public notice so the wells can be contested, and recommendation from a 5-member elected Advisory Board prior to approval. The Advisory Boards are comprised of property owners in the control area. The wells in the area must be monitored, and are reviewed by groundwater staff. Groundwater Control Areas are designated by the WY State Engineers Office for areas with known concerns about groundwater declines. The noticing requirements for new permits in control areas serves to inform the public and provide an avenue for members of the public to protest potential new permits.

c. Other Topics

N/A

3. Compact Discussion

No new compact discussion

4. Public Comment

No public comments

5. Schedule Spring Technical Meeting

Spring Technical Meeting date and time pending a set date for the NPDC Spring meeting.

- a. Topics for the next meeting

N/A

6. Adjourn

Meeting adjourned at 4:25 pm MDT/5:25 pm CDT