

Upper Niobrara River Compact Meeting

DRAFT Meeting Minutes

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

10:30 a.m. Mountain Time
Panhandle Research and Extension Center
Scottsbluff NE
October 23rd, 2019

1. Introductions and agenda review (Attachments A & B)

Tom Hayden	NeDNR		Brian Pugsley ¹	WSEO
Carrie Wiese	NeDNR		Jeff Cowley	WSEO
Melissa Mosier	NeDNR		John Harju	WSEO
Jeremy Gehle	NeDNR		Rick Deuel	WSEO
Gordon “Jeff” Fassett	NeDNR		Wray Lovitt	WSEO
Beth Eckles	NeDNR		Pat O’Brien	UNWNRD
Jim Ostdiek	NeDNR		Lynn Webster	UNWNRD
Charlie Ferrantelli	WSEO		Bill Wilson	Public

- a. Agenda: Strike items 4.a., 4.c., 4.e, Carrie Wiese has no updates on those items.

2. Review of previous meetings

- a. **Review of minutes from October 17th, 2018, annual meeting:** Approved without discussion.
- b. **Review of Technical Group notes from April 24, 2019:** Approved without discussion.

3. State Reports

- a. **Wyoming:** Wray Lovitt reported that since our last technical meeting we’ve had a really good water year. Good flows at state line gage. Held good then went to normal. May, June and July had several inches of rain. Lots of hay produced. On July 5, 2019, a rain event caused a County road and the state line streamgage to become washed out. Lovitt said Tom Hayden and crew reestablished the gage on July 9th. Reservoirs are in good shape, pretty much full year round topped off in the spring. Elk Creek pipeline project is continuing. Elk Creek Pipeline project involves groundwater users and pipelines in the Niobrara Basin.
- b. John Harju presented the permitting report of one permit issued in Wyoming for the Compact area approved since the spring 2019 meeting (Attachment C). Harju said Wyoming will likely have at least 2 permits to process by spring 2020.
 - 1. One is a brand new irrigation well that is 3 miles from state line, south of the river.

¹ Brian didn’t sign in, but is heard introducing himself on the meeting recording.

2. The second is the well for the town of Lusk. Their current well doesn't meet EPA standards. They drilled a new well that will not meet their needs, but will ask for a permit as it will be used to supplement the current well.
- ii. Board of control petitions, often requesting a change of location, sometimes occur in the WY portion of the Basin. Harju mentioned to the group that these should be added to the WY reports.
- c. **Nebraska:** Tom Hayden reported that it was another good year on the Niobrara, which started with a lot of snow in March and April. Same as last year, deep frozen ground. The National Weather Service says this year set a record for depth of frozen ground. When there is an early run off in March and April it all goes into the river. Box Butte Reservoir construction that was completed in September of 2018 with 5,000 af in the reservoir. By March it was at 26,000 af due to the large amount of run off. Irrigation from Box Butte Reservoir was from July 15, to September 1st with over 17,000 af carry over. Average snow fall in Bridgeport, is 35", this year it double that. There were no calls for water in the basin. Twelve measurements taken at the state line averaged 7.2 cfs. The 33 ranch is 7 miles below the state line gage averaged at 8 cfs. The average at was Agate 16 cfs. Driving from Lusk, south, reservoirs looked good, but there wasn't much water flowing at all. There must be a good spring at Van Tassel Creek, north of the little town up there. That never drops down below 2-3 cfs. Flow at the state line now is about 5 cfs.
 - i. What was the reservoir that breached downstream?
 1. That was Spencer – they haven't made a decision of what to do next.
 2. They (NPPD) sent out a letter earlier this year that they aren't going to give up their 2019 subordination agreements. No further decisions have been made.
 - ii. In addition to the his earlier Nebraska report, Hayden added that he followed the groundwater levels of the well at the state line gage beginning in October of 2018 through this year. The elevation started at 34.91'. In April it went to 33.59'. 33.02' is about the average for that well. And in October of this year is back to 34.92. Its levels paralleled the rain and snow, almost immediately.

4. Update on studies related to the Niobrara Basin

- a. **Wyoming:** No active studies
- b. **Nebraska:** Carrie Wiese reported on the status of the following studies:
 - i. Studies
 - ii. NBGWM. Have met with NPS and USGS. NPS has hired USGS to construct a model, including the scenic portion of the river. NeDNR has asked if we can be a part of the modeling so that we can use it in the future. DNR is working with USGS to incorporate two previous models to blend in the upper portions of the basin into the new model. DNR is continuing to share data and have technical discussions. The anticipated date of completion of the model is about a year from now, then USGS will probably publish 6-8 months afterward.

- iii. **UNW GWRS** = NeDNR and UNW hired HRD to conduct the groundwater recharge potential study. That study is now completed and has six sites ranked. Five sites are suitable for recharge and one is an injection well site. The report is available. None of the sites that were picked are in the compact area.

5. **Compact discussion:** Jeff Fassett noted that having these meetings has been helpful in that the openness and data/information exchange is beneficial and I appreciate having these meetings.

6. **Other Items:** Wray and Charlie followed up with Bill Wilson's request of a refresher on how and where to access data on the square mile areas in the main stem, Duck Creek, and Van Tassel drainages, including the Nebraska portion.

7. **Public comment:**

- a. Bill Wilson spoke on local color. A lot of runoff coming from upstream to fill the Box Butte Reservoir while the river was iced over. There was a lot of damage to river crossings. He does agree that the ground was very frozen this year.

A proposed well is 3 miles west of where Wilson lives. Used to grow potatoes up in that area over a decade ago. Not crazy about the well due to the location. Wells around state line are very active in dry years.

He stated that he has a good location for a dam on the Nebraska side on the Niobrara River. Best locations are already taken. Suburban growth can lead to small reservoirs that interfere with irrigation rights.

On a humorous note, UNW should propose limiting irrigation pumping in area 5 if they want to increase turnout at public meetings. Bankers & their clients would attend.

Wilson stated that he'll be interested to see what happens with Spencer Dam. Wilson's sister worked for Bob Kerry when he ran for the US Senate. Kerry helped get the wild and scenic rivers act for the Niobrara through congress. After this spring's activities, he had no idea how wild and scenic the river could be.

- b. Pat O'Brien wanted to add that due to LB 1038, which provides money for riparian vegetation management, the UNW was awarded a grant to do treatment from state line to agate, but not able to get this done this fall. We have funding to treat 450 acres of channel. Hoping to extend the grant to next fall. He would be happy to send info about the project plan and contractor to WY if they are interested in joining the effort upstream.

8. **Next meeting date:** April 23, 2020, at 10 am CT/9 am MT.

UPPER NIOBRARA RIVER COMPACT MEETING

Meeting Date: October 23, 2019

Place/Room: Panhandle Research and Extension Center
4502 Avenue I, Scottsbluff NE 69361

Name:	Representing:	E-Mail:
Beth Eckles	Ne DNR	beth.eckles@nebraska.gov
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CARRIE WIESE	Ne DNR	carrie.wiese@nebraska.gov

AGENDA
UPPER NIOBRARA RIVER COMPACT ANNUAL MEETING

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

Wednesday, October 23, 2019
10:30 a.m. Mountain Time
Panhandle Research and Extension Center 4502 Avenue I, Scottsbluff NE 69361

Agenda Items:

1. Introductions and agenda review
2. Review of previous meetings
 - a. Review the minutes from, meeting October 17, 2018
 - b. Recap Technical Group discussions from April 24, 2019
3. State reports
 - a. Wyoming
 - b. Nebraska
4. Update on studies related to the basin
 - a. Niobrara Basin Groundwater Model
 - b. Upper Niobrara-White NRD Groundwater Recharge Potential Study
5. Compact discussion
6. Other items
 - a. Data request on the drainage areas of the Niobrara main stem, Duck Creek, and Van Tassel Creek (WSEO)
7. Public comment period¹
8. Set date for next Upper Niobrara River Compact meeting
9. Adjourn

¹ This item must be included on all Upper Niobrara River Compact meeting agendas.

Permits Approved in Niobrara River Basin in Wyoming since Last Fall Meeting on October 17, 201

WR Number	PriorityDate	Company	FirstName	LastName	FacilityName
P210191.0W	01/04/2019	WYOMING STATE ENGINEERS OFFICE			NODE MONITOR WELL 32-062-32BBB
P210293.0W	01/25/2019	TOWN OF LUSK			TOWN OF LUSK TEST WELL NO. 1
P210379.0W	02/05/2019		JACOB E AND LORRIE K	REED	HOLLOWAY #1
P211308.0W	08/19/2019		JARROD AND KOREEN	RAPP	SILVER SPRINGS #1

Notes: The State Engineer's Office is still holding, unapproved, four irrigation use applications that violate the spacing policy currently in place for irrigation use wells in the area.

18

Uses	Tw	Rng	Sec	Qtr-Qtr	Appropriation(GPM)	Longitude	Latitude
MON	032N	062W	32	NW1/4NW1/4	0	-104.33919	42.71239
TST	032N	063W	07	NE1/4NW1/4	0	-104.467486	42.766656
IRR_GW;STK	033N	063W	26	NE1/4NW1/4	700	-104.390637	42.812059
STK	031N	064W	11	NE1/4NE1/4	25		