PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Water Advisory Committee Meeting Minutes
Virtual Meeting – Microsoft Teams
October 24, 2023

PRRIP Water Advisory Committee Meeting Attendees		
Name	**Affiliation**	**Member or Alternate**
Department of the Interior		
Brock Merrill	U.S. Bureau of Reclamation	Member
Mark Porath	U.S. Fish and Wildlife Service (USFWS)	Alternate
State of Wyoming		
George Moser	Wyoming Water Development Office	Alternate
Michelle Hubbard	Wyoming State Engineer's Office	
State of Colorado		
Kara Scheel	Colorado Water Conservation Board	Member
State of Nebraska		
Jennifer Schellpeper	Nebraska Department of Natural Resources (NDNR)	Member
Kari Burgert	NDNR	Alternate
Justin Ahern	NDNR	
Caitlin Kingsley	NDNR	
Upper Platte Water Users		
n/a		
Colorado Water Users		
Jon Altenhofen	Northern Water	Member
Kyle Whitaker	Northern Water	Member
Joe Frank	Lower South Platte Water Conservancy District	Alternate
Jason Marks	Denver Water	
Kevin Urie		
Downstream Water Users		
Cory Steinke	Central Nebraska Public Power and Irrigation District (CNPPID) – *2023 WAC Chair*	Member
Brandi Flyr	Central Platte Natural Resources District (CPNRD)	Member
Jeff Shafer	Nebraska Public Power District (NPPD)	Member
Nolan Little	Tri-Basin Natural Resources District (TBNRD)	
Tyler Thulin	CNPPID	
Environmental Entities		
Jacob Fritton	The Nature Conservancy	Member
Melissa Mosier	Audubon Great Plains	Member

PRRIP Water Advisory Committee Meeting Attendees	
Executive Director's Office (EDO)	
Jason Farnsworth	Executive Director
Seth Turner	Water Plan Coordinator
Justin Brei	Engineering/Colorado Coordinator
Libby Casavant	Hydraulic Engineer
Kristen Cognac	Hydrogeologist
Sarah Fancher	Fluvial Geomorphologist
Ed Weschler	Water Resources Engineer
Other Participants	
Michelle Martin	Anderson Consulting Engineers
Matt McConville	HDR
Mark Mitisek	LRE Water
Jonathan Mohr	LRE Water

Welcome and Administrative: *Cory Steinke, 2023 WAC Chair*

Meeting participants were identified from Microsoft Teams. Altenhofen requested a Perkins County Canal update discussion, which Steinke said could be brought up at the end of the meeting under Additional Business. There were no revisions to the original draft of the August 2023 WAC meeting minutes. Altenhofen made a motion to approve the minutes, second by Merrill. No objections, minutes approved.

Brief Water Updates: *Ed Weschler and Seth Turner, EDO*

Platte Basin Hydrology:

Weschler reported that flows at Grand Island were below targets for an extended period in August and September but there was a brief period of excess flows in late September. Much of the Platte River basin—including the South Platte in Colorado, the North Platte in Wyoming, and the Nebraska Panhandle—remains drought-free. Parts of the basin in Nebraska remain in varying levels of drought, ranging from abnormally dry in Lincoln County and the area around Lake McConaughy to extreme/exceptional drought at the easternmost extent of the Program's Associated Habitat Reach. Parts of the North Platte Basin in Wyoming received 100%-300% of normal precipitation from July 22-October 19, while precipitation was at or below normal across much of the South Platte Basin in Colorado during the same time period. Precipitation in central Nebraska was near-normal and drier to the east and west.

Leasing, Recharge, and Recapture Projects*:*

Turner reported that aggregate pumping by the Program's 8 recapture wells from the start of the year through October 18 was 2,635 AF. Most of the wells had been pumping continuously since July 27. Excess flows were diverted into Phelps County Canal from September 26-28, and about 553 AF was then delivered to Cottonwood Ranch from September 27-October 5. The amount released from the Pathfinder EA in September was 32,385 AF, of which 26,491 AF was credited to the Lake McConaughy EA after accounting for transit losses. Leases and other surface water

credited to the Lake McConaughy EA in October included CPNRD (10,666 AF), NPPD (2,456 AF), the CNPPID irrigator lease (990 AF), and No-Cost NCCW (314 AF). CPNRD and NPPD lease volumes were reduced relative to previous years because there were 18 non-exchange days on which the South Platte River at North Platte flow exceeded 2,500 cfs.

Shafer asked if there was consideration of turning off the recapture wells in anticipation of forecast cold weather the next week; Turner said not yet, but he would look into it. Shafer also noted that due to CNPPID's planned releases to lower Johnson Lake, there was potential for excess flows in the coming week. However, NPPD did not plan to divert because of expected freezing conditions coinciding with those higher flows. Turner added that the Program did not plan to request diversion of any potential excess flows because CNPPID's planned flow release from October 26-November 6 was effectively substituting for a fall whooping crane release from the Lake McConaughy EA.

North Platte Chokepoint Study: *Michelle Martin, Anderson Consulting Engineers*
Martin provided a progress update for the chokepoint study. The project team led by Anderson Consulting Engineers is currently working on Task Order #2, which includes field work, data collection, and a geomorphic assessment. Martin and Brian Murphy (River Works) visited the chokepoint in mid-October, including a meeting with CNPPID at the Tri-County Canal diversion. They floated a 9-mile reach upstream of the Hwy 30 bridge and collected sediment samples to inform the sediment transport modeling and geomorphic assessment. Martin and Murphy also visited areas of the North Platte River reach upstream of the chokepoint where access was possible, including Birdwood Creek. Local firm TC Engineering completed surveying of 50 river cross sections to support the Anderson team's modeling efforts.

The project team is concurrently working on updating the existing conditions model for a 10-mile reach of the North Platte River through the chokepoint using SRH-2D. The geomorphic assessment is also underway, and this second phase of the study is expected to wrap up in January.

Altenhofen asked about the timeline for the alternatives analysis. Martin said they are developing information for the proposed new alternatives and bringing all of the short-listed alternatives to an equal level of information in advance of the more detailed alternatives analysis that will come in the next phase of the study. That should lead to a refined selection of alternatives for detailed analysis by January, and the study will conclude by late May or early June 2024. Turner added that the short list of alternatives was developed by the project team and the EDO over the summer and reviewed with the North Platte Chokepoint Planning Workgroup in an August 28 meeting.

Expanded Recapture Reconnaissance Study: *Jonathan Mohr and Mark Mitisek, LRE Water*
Mohr and Mitisek gave a presentation that introduced the project team, provided an overview of major tasks, and reviewed the project schedule. The team is led by LRE Water and includes RJH and Inter-Fluve. Mohr is the overall project manager, and Mitisek is the technical lead. RJH is

focused on the Elwood Reservoir outlet component of the study, and Inter-Fluve is responsible for the Plum Creek assessment.

There was a site visit on September 19-20 that included participants from LRE Water, TBNRD, CNPPID, Nebraska DNR, and the EDO. The group visited the Program's existing recapture wells at Cottonwood Ranch, Elwood Reservoir, the E-65 Canal, and sites along Plum Creek.

Inter-Fluve is planning Plum Creek field work for November 7-9; TBNRD has been leading the effort to get access permission from landowners. Inter-Fluve will be surveying cross-sections and taking photos/making observations of sediment, vegetation, geomorphology, and infrastructure. Two temporary stage monitoring stations are also to be installed. RJH will begin work on the gravity outlet assessment in November.

LRE Water is concurrently working on baseflow separation and transit loss analyses of Plum Creek. Mitisek presented preliminary results from those analyses, which show a pronounced baseflow increase following the construction of Elwood Reservoir in the late 1970s; Plum Creek also appears to be a gaining stream below Elwood. Altenhofen asked if the gains were from point inflows or coming from the aquifer. Mitisek said there were few significant tributary inflows, so the gains appear to be primarily coming from Elwood seepage.

Later efforts will include the hydrogeologic assessment, which will include a review of construction details from existing recapture wells to help establish aquifer parameters and a GIS-based site selection of potential new recapture well locations. Following the November field work, the Plum Creek watershed/stream assessment will be completed in December-January, and an alternatives assessment using the GoldSim model will be completed between January and April. The project is scheduled to conclude by August 2024.

Wyoming Property Flow Split: *Libby Casavant, EDO*

Casavant gave a presentation to introduce the Wyoming property flow split project, an effort to close a breach between channels that is effectively sending water away from whooping crane habitat along the south channel and in the Rowe Sanctuary area. The Wyoming Property is Program land in the Platte River channel a few miles east of Kearney. Several years ago, a narrow strip of land between the north and middle river channels washed out. Since then, water has preferentially flowed into the north channel—which is not suitable whooping crane habitat—because it has a lower bed elevation. The goal of the project is to use a combination of trees with root wads and fill material sourced from the nearby areas to construct a low trapezoidal berm to restore the channel separation and restore flows to whooping crane habitat on the middle and south channels. A wetland delineation was already completed by HDR (the Program's permitting consultant), a permit application is expected to be submitted to the Corps in November, and construction is planned to be completed by March 2024, prior to the spring whooping crane migration. Construction is expected to cost about $70,000.

Scheel asked if this was the first time the WAC has discussed this project. Turner said permitting activities have been going on for a few months but this is the first time presenting to the WAC. Scheel asked if the magnitude of "less flow" to the south channel has been assessed. Casavant said no, but it could be. Scheel also asked if Rowe Sanctuary was on board with this plan. Mosier from Audubon confirmed Rowe's support since it would provide more flow through the reach, but noted Cody Wagner and Amanda Hegg from Rowe would have more information.

Altenhofen asked how long it had taken for the north and middle channels to merge. Casavant said it occurred sometime between the 2010 and 2022 imagery that was shown; Mosier said it might have been during the 2019 high flows. Farnsworth said it was partially broken through before that and reiterated the key issue that the north channel is 0.5-1 ft lower than the middle and south channels, and whenever there are high flows, more goes north.

Scheel asked about design flows for the berm. Casavant said at 5 ft high it would be overtopped by a 50-year flow; the elevation also matches the adjacent islands. Farnsworth added that the berm would not completely cut off the north channel and that a nationwide permit is being pursued for the project. Farnsworth emphasized that the north channel is not suitable habitat for whooping cranes, so getting more flow back into the middle and south channels is a major benefit in that regard. Altenhofen asked if there were other Program properties along the north channel. Yes, including the Spiedell property, but from a Program perspective it is preferred to keep as much flow directed south as possible.

Urie asked if it made sense to look upstream where the middle channel splits from the south channel. Casavant said the project location on the Wyoming property was selected because the Program owns the land. Farnsworth said it might be possible to mitigate future issues like this by modifying vegetation spraying. Ahern noted a concern about sediment and channel stability because the breach is on an outside bend in both the north and middle channels. Casavant said we are attempting to attenuate the scour with tree root wads. There is no intention of choking off the north channel, just restoring the channel separation that was previously there.

2024 Water Plan Budget: *Seth Turner, EDO*

Turner reviewed the water-related budget line items for 2024. Excess flow diversions into Phelps County Canal and Elwood Reservoir for recharge were pre-paid at least through 2032 under the Water Service Agreement between the Program and CNPPID that was approved in December 2022, so no new funds are needed. The CPNRD canals have not diverted excess flows for Program recharge since May 2020, so no funds are allocated for 2024. The only new funding for canal recharge (WPRT-1) is for the NPPD canals, up to 5,000 AF at $36.99/AF.

Item WPRT-3 for Cottonwood Ranch broad-scale recharge totals $208,000 for 2024 and includes funds for maintenance of the Rubicon gates, as-needed maintenance of the berms, and groundwater monitoring equipment. The total also includes $20,000 for engineering and $100,000 for construction to resolve cavitation issues in the delivery pipeline outlets.

WPRT-4 funding covers all project operation and maintenance costs under an agreement with Tr-Basin NRD, including property easements and insurance, remote operation service subscriptions, horsepower and energy costs, as-needed general maintenance, and Tri-Basin NRD staff time and expenses.

Around $25 million was budgeted under WPST-1 in 2023 for long-term surface water lease agreements through the end of the Extension. Negotiations for those agreements continue, so the GC approved one-year agreements in 2023 for CPNRD (up to 15,000 AF) and NPPD (up to 3,306 AF) leases at a unit cost of $90/AF. One-year lease agreements with the same terms are assumed again for 2024, resulting in a total budget of $1,648,000 for WPST-1 in 2024.

WPST-2 includes budget for 9,600 AF from the Pathfinder Municipal Account lease at $65/AF. The CNPPID irrigator lease project was extended for one year through the 2024 irrigation season, with WPIR-1 assuming enrollment up to 3,000 acres at $100/acre, plus a $10,000 administration fee that is paid to CNPPID.

Additional budget items include $21,000 for general maintenance and property taxes at Program lands that were acquired for water project purposes; $42,000 for water monitoring equipment and activities, which includes $20,000 for Platte River stream gages at Cottonwood Ranch, $5,000 for the Overton stream gage, and $6,000 for weather stations; $10,000 for as-needed maintenance of the State Channel Berm at the North Platte Chokepoint; and $20,000 for as-needed Special Advisor services for water projects. Total Water Plan budget for 2024 is about $3.2 million.

Contracts for the North Platte Chokepoint Study and the Expanded Recapture Reconnaissance Study were awarded in 2023, and both studies will conclude in 2024. No new funds are anticipated beyond the current contract amounts, and it is not expected that the GC would take any immediate action on recommendations that emerge from those studies.

Special Advisor funds allocated for either 2023 or 2024 may be used to update an economic analysis of the CNPPID irrigator lease. The EDO is reaching out to economist (and former Headwaters employee) George Oamek about doing this work.

Mosier asked about the cost for the recapture well project under WPRT-4. Turner said it includes some fixed annual costs such as easement payments to private property owners on whose land some of the wells are located, but the annual electricity costs still remain uncertain. Once we have more time operating the project, and electricity costs are better known, it is expected that the overall budget for the project will be less in future years.

Altenhofen inquired about expenditures for water in 2023. Turner said most of the recharge water is now prepaid, and the Program had not yet been billed for the CPNRD and NPPD surface water leases, which were lower volumes than previous years. Total for 2023 will probably be

less than $1.5 million. Farnsworth added that the unit costs are fixed each year, so expenditures come down to volumes diverted or leased.

WY2024 EA Annual Operating Plan (AOP): *Mark Porath, USFWS*

The WY2024 EA AOP was reviewed at the Fall EAC/RCC meeting on October 18 and was included in the meeting materials for the WAC meeting. Porath described the EA releases that are high priorities for USFWS in 2024, including the germination suppression release (targeting 1,500 cfs at Grand Island from June 1-30) and a spring whooping crane release. Winter snowpack and Lake McConaughy storable natural inflows will be monitored closely to help guide decision-making when those releases get closer, particularly for the spring whooping crane release.

Turner added that the water supply in the EA is very good right now because of a smaller-than-expected germination suppression release in 2023 and near-maximum yields from the Pathfinder accounts that were delivered in June and September. If no EA releases were made in 2024, the EA volume at the end of the water year could be greater than 190,000 AF (nearing the 200,000 AF maximum) given projected non-irrigation season storable natural inflows and assuming average Pathfinder deliveries in 2024. The USFWS priority releases are therefore highly likely but release magnitudes will depend on conditions at the time.

Additional Business: *Cory Steinke, 2023 WAC Chair*

The 2024 WAC meetings are scheduled for February 6, May 7, August 6, and October 29. Turner said he would send placeholder meeting invites before the end of the year.

Altenhofen raised the issue of Nebraska's ongoing study of the proposed Perkins County Canal and recommended several references for WAC members to review relating to relevant sections of the Program Document, the State Depletions Plans, and recent activities in Colorado and Nebraska. It was suggested by others that this may be a political topic better suited to GC discussion, but Altenhofen emphasized the relevance to the WAC because of technical and operational aspects of the Perkins project that could potentially impact Program water projects including Colorado's water contributions to the Program. Altenhofen also asserted that if Perkins County Canal were to have Program benefits, it would need to be scored as a Program water project. Other specific items noted and questions raised by Altenhofen included the following:

- The State of Nebraska maintains an informative and regularly-updated Perkins County Canal website.[1]

[1] https://dnr.nebraska.gov/perkins-county-canal

- Program Document[2] (PDF pages 37-39), discusses Depletions Plans for new water related activities (e.g., Perkins County Canal) and mitigation requirements for impacts to target flows and other Program water projects (e.g., Colorado's Tamarack Project).
- Program Document (PDF page 74), refers to the Program's "Good Neighbor Policy" and specifies that "All lands and water will be acquired from willing sellers or lessors." This implies that condemnation cannot be used for Program water projects. Nebraska has indicated Program benefits from the Perkins County Canal. At town hall meetings held by Colorado in Julesburg and Sterling in September, at least one attendee reported hearing of eminent domain from Nebraska representatives. Is that appropriate in the context of these Program policies?
- A recent Nebraska Supreme Court decision[3] (page 329) related to a new Nebraska diversion from the Platte River refers to instream flow rights as "state-protected flows under the Program" and states that Nebraska DNR "…cannot allow new uses of the Platte River unless adverse effects on state-protected flows are either prevented or offset." Would that provision apply to the Perkins County Canal?

Altenhofen concluded with the hope that Nebraska and their consultant (HDR) will soon address these issues in forthcoming reports and in discussions with the WAC and GC. Farnsworth added that the GC will eventually need to address the Perkins County Canal from a policy perspective given potential Program benefits, the interstate compact, and other issues. Schellpeper said there were no specific updates from Nebraska DNR but referred to the website for more information.

Action Items

General WAC

- N/A

ED Office

- Send placeholder meeting invites for 2024 WAC meetings.

[2] https://platteriverprogram.org/document/final-platte-river-recovery-implementation-program-full-document-appendices
[3] https://law.justia.com/cases/nebraska/supreme-court/2023/s-23-028.html