

WY Water Development Commission/Select Water Committee Joint Meeting
Oil and Gas Conservation Commission
Casper, WY
August 21, 2009

- I. Chair Bill Bensel called the meeting to order at 8:50 am
- II. Secretary Mitch Cottenoir called the roll of Commissioners:

Commission's Attendance:

Bill Bensel, Chair
Dick Geving, Vice-Chair
Mitch Cottenoir, Secretary
Dan Budd
Floyd Canfield
Shawn Hall
Anne MacKinnon
Bill Resor
Kent Shurtleff
Jim Wilson

Advisors in Attendance:

Jane Caton, Attorney General's Office
Greg Kerr, University of Wyoming
Harry LaBonde, State Engineer's Office

Select Water Committee Attendance:

Senator Stan Cooper
Senator Gerald Geis
Senator Marty Martin
Senator Jim Elliott
Representative Pete Anderson
Representative Stan Blake
Representative Lorraine Quarberg
Representative Jim Roscoe

- III. Approval of Minutes. A motion to approve the June 4, 2009 minutes was made by Jim Wilson, seconded by Bill Resor. The motion carried.

In a separate action, the Select Water Committee approved the minutes from the June 4, 2009 Committee meeting without changes.

- IV. Audience Introductions
- V. WWDC Proposed Rules and Regulations
Anne MacKinnon made a motion to adopt the proposed amended agency rules and regulations; seconded by Mitch Cottenoir. The motion carried.

VI. Financial Status Report

Mike Purcell reported that the balances in water account nos. I, II, and III, as updated by year end FY09, were approximately \$57.17 million, \$17.39 million, and \$130.48 million, respectively.

VII. City of Gillette/Campbell County

Draft No. 5 of a memorandum of understanding (MOU) concerning the development of a joint powers agreement was presented by Mike Purcell. He indicated WWDC action would show acknowledgement of the regional system in its future funding decisions within the boundary of the system and surrounding areas. Amendments to the draft included 1) page 1, line 5 of the Preamble, replace "may" with "shall;" 2), page 2, 1. Participants, strike the second sentence; and 3) page 8, Wyoming Water Development Commission, strike "its support of". A motion to adopt the amendments to the MOU was made by Jim Wilson. Additionally, Bill BenseL was authorized to sign the document as long as there were no significant changes. The motion was seconded by Anne MacKinnon. The motion carried with Dick Geving and Dan Budd in opposition.

Mike Muirhead, Gillette City Administrator, presented a status report on the regional system formation, specifically the revised water rate structure. Discussion followed.

VIII. Planning Amendments

- *Town of Guernsey*

A Partial Release of Mortgage was presented. The document allows the town to pursue a capital facilities improvement project. Discussion followed. Dick Geving made a motion to approve the document as presented, seconded by Kent Shurtleff. The motion carried.

- *Rawlins Master Plan, Level I*

An interim amendment to the engineering contract with Wester-Wetstein & Associates was presented. The amendment serves to amend the scope of services to allow for a preliminary evaluation of the potential rehabilitation of the Atlantic Rim Reservoir with an additional \$50,000 budget. Discussion followed. A motion to approve the document as presented was made by Dick Geving, seconded by Mitch Cottenoir. The motion carried.

In a separate action, the Select Water Committee approved the amendment.

- *High Savery Monitoring*

An interim amendment to the contract with Western EcoSystems Technology, Inc. was presented. The amendment serves to release \$4,046.24 in retainage and to delete the retainage provisions in the contract.

- *Marquette, Trout Creek and Rock Creek Instream Flows, Level I*
A final amendment to the engineering contract with Lowham Engineering was presented. The amendment serves to document WWDC acceptance of the final report and to finalize the contract budget at \$51,999.36.
- *Laramie County Aquifer Study, Level I*
A final amendment to the engineering contract with JR Engineering was presented. The amendment serves to document WWDC acceptance of the final report and to finalize the contract budget at \$320,738.00.
- *Lusk Groundwater, Level I*
A final amendment to the engineering contract with Hinckley Consulting was presented. The amendment serves to document WWDC acceptance of the final report and to finalize the contract budget at \$195,197.11.
- *South Thermopolis Water Supply, Level II*
A final amendment to the engineering contract with Engineering Associates was presented. The amendment serves to document WWDC acceptance of the final report and to finalize the contract budget at \$64,898.79. Discussion followed.

A motion to approve all documents as presented, except the Marquette, Trout Creek and Rock Creek Instream Flows, Level I final amendment, was made by Dan Budd, seconded by Bill Resor. The motion carried.

Mitch Cottenoir made a motion to approve the Marquette, Trout Creek and Rock Creek Instream Flows, Level I final amendment as presented, seconded by Anne MacKinnon. The motion carried with Dan Budd in opposition.

- IX. University of Wyoming Water Research Program
A Memorandum of Understanding (MOU) with the University of Wyoming was presented. The MOU provides \$300,000 to continue water resources research on an annual basis. Discussion followed. Greg Kerr, University of Wyoming, Office of Water Programs, indicated there are 8 projects which will be funded. Kent Shurtleff made a motion to approve the MOU as presented, seconded by Anne MacKinnon. The motion carried.

In a separate action, the Select Water Committee approved the Memorandum of Understanding.

- X. Corner Mountain No. 2 Test Well
An agreement between the WWDC and Daniel and Melinda Gregg was presented. The original access agreement serves to abandon the well, which was drilled during the Level II study, on lands owned by Daniel and Melinda Gregg. As allowed in the access agreement, the landowners have opted to take over the well for their own use, thereby absolving WWDC of any further responsibility for the well. Anne MacKinnon made a motion to approve the document as presented, seconded by Jim Wilson. The motion carried.

XI. Discussion

- Bates Creek Water Production Study. Aaron Swallow presented interim results of a research project studying hydrologic impacts in rangeland watersheds and vegetation manipulation on Bates Creek. Cooperators in the study included Ginger Paige, University of Wyoming; Rob Shook, Wyoming Game and Fish Department, and landowners Jim and Peggy Price. All were available for questions and comments.
- State Engineer's Office. Harry LaBonde announced a water right permitting change with regard to sage grouse populations in key core areas, commencing this fall. Discussion followed.

The next WWDC meeting will be November 4-6, 2009 in Casper.

There being no further business, the meeting adjourned.

Respectfully submitted,

Mitchel T. Cottenoir
Secretary