

Wyoming Water Development Commission/Select Water Committee Joint Meeting  
Cheyenne Wyoming  
June 7, 2012

1. Chair Kent Shurtleff called the meeting to order at 8:30 a.m.
2. Secretary Jeanette Sekan called the roll of Commissioners:

Commission Attendance:

Kent Shurtleff, Chair  
Bill Resor, Vice-Chair (by phone)  
Jeanette Sekan, Secretary  
Mitch Cottenoir  
Shawn Hall  
Margo Sabec  
Jim Wilson

Absent:

Nick Bettas  
Floyd Canfield  
Phil Habeck

Advisors in Attendance:

Greg Kerr, University of Wyoming  
Andrew Kuhlmann, Attorney General's Office  
Harry LaBonde, State Engineer's Office

Select Water Committee Attendance:

Senator Stan Cooper  
Senator Ogden Driskill  
Senator Gerald Geis  
Senator John Hines  
Senator Curt Meir  
Representative Stan Blake  
Representative John Eklund  
Representative Lorraine Quarberg

3. Approval of Agenda. Jim Wilson made a motion to approve the June 7, 2012 agenda, seconded by Mitch Cottenoir. The motion carried.
4. Approval of Minutes. A motion to approve the May 11, 2012 minutes was made by Jeanette Sekan, seconded by Jim Wilson. The motion carried. Jim Wilson made a motion to approve the Executive Session minutes of May 11, 2012, seconded by Mitch Cottenoir. The motion carried.

5. Audience Introductions

6. Planning Amendments

- *Buffalo Northwest Water Supply, Level I*  
A final amendment to the engineering contract with WWC Engineering was presented. The amendment serves to document WWDC acceptance of the final report and to document the final contract amount of \$72,986.50.
- *Clear Creek Storage, Level II Study*  
An interim amendment to the engineering contract with States West Water Resources Corporation was presented. The amendment serves to extend the contract expiration date to March 31, 2013.
- *Green River Decision Support System, Level I*  
A final amendment to the engineering contract with Leonard Rice Engineers, Inc. was presented. The amendment serves to document WWDC acceptance of the final report and to document the final contract amount of \$240,436.93.
- *Little Snake Canals Rehabilitation, Level II*  
A final amendment to the engineering contract with Aqua Engineering, Inc. was presented. The amendment serves to document WWDC acceptance of the final report and to document the final contract amount of \$91,980.69.
- *Rolling Hills Master Plan, Level I*  
A final amendment to the engineering contract with Civil Engineering Professionals, Inc. was presented. The amendment serves to document WWDC acceptance of the final report and to document the final contract amount of \$195,030.65.
- *Squaw Creek Water Supply, Level II*  
An interim amendment to the engineering contract with AVI was presented. The amendment serves to extend the contract expiration date to June 30, 2013.
- *Viva Naughton Enlargement Study, Level II, Phase II*  
An interim amendment to the engineering contract with States West Water Resources was presented. The amendment serves to amend the scope of services to analyze a storage opportunity associated with a spillway raise. The budget will increase by \$48,800 to a total of \$535,600. Discussion followed.
- *Wright Well, Level II*  
An interim amendment to the engineering contract with HDR/Stetson Engineering was presented. The amendment serves to acknowledge the purchase of Stetson Engineering by HDR Engineering and to extend the contract expiration date to December 31, 2012.

Margo Sabec made a motion to approve all documents as presented, seconded by Jim Wilson. The motion carried.

In a separate action, the Select Water Committee approved the Viva Naughton Enlargement Study, Level II, Phase II interim amendment.

## 7. Contracts/Memorandums of Understanding

### **Contracts**

Mike Purcell outlined the consultant selection process, which starts in January with the public advertising through the finalization of contracts with selected consultants in June. Discussion followed.

- *Badwater-Poison Creek Watershed Study, Level I*  
An engineering contract with Anderson Consulting Engineers, Inc. was presented. The budget is \$237,000. There were no selection committee recommendations for contract negotiations.
- *Basin-Big Horn Canal, Level II*  
An engineering contract with Nelson Engineering was presented. The budget is \$145,000. Contract negotiations resulted in the addition of a leak detection task to the scope of services with a budget of \$2,500.
- *Bear River Hydrology Model, Level I*  
An engineering contract with Parsons Water Consulting was presented. The budget is \$48,000. There were no selection committee recommendations for contract negotiations.
- *Gillette Regional Connections 1, Level II*  
An engineering contract with Entech Inc. was presented. The budget is \$213,000. Contract negotiations resulted in the addition of the creation of a geographic information system for Bennor Estates task to the scope of services with a budget of \$5,000.
- *Gillette Regional Connections 2, Level II*  
An engineering contract with WLC was presented. The budget is \$240,803. The selection committee recommended the addition of a geographic information system for the Peoples Improvement and Service District, but the task was already in the scope of services.
- *Greybull Valley Irrigation District Hydropower, Level II*  
An engineering contract with AECOM was presented. The budget is \$83,000. There were no selection committee recommendations for contract negotiations.
- *Greys-Hoback Instream Flows, Level I*  
An engineering contract with Arrow Land and Water was presented. The budget is \$87,300. There were no selection committee recommendations for contract negotiations.

- *Guernsey Master Plan, Level I*  
 An engineering contract with AVI was presented. The budget is \$122,250. Contract negotiations resulted in the addition of tasks to the scope of services for pump testing the existing wells; video log all three wells, and the excavation of the prioritized valve locations with a combined budget of \$29,500.
- *Hawk Springs Master Plan, Level II*  
 An engineering contract with AVI was presented. The budget is \$192,257. Contract negotiations resulted in the removal of a rate study from the scope of services with a budget reduction of \$2,500. The study may be added at a later date, if approved by the Horse Creek Conservation District.
- *Indian Paintbrush Water Supply, Level II*  
 An engineering contract with Nelson Engineering was presented. The budget is \$368,120. Contract negotiations resulted with the addition of tasks to the scope of services for supplementary aquifer testing, stratigraphic test hole drilling, and water quality testing of Burt's Canyon spring with a budget of \$21,650.
- *Lakeview Irrigation Master Plan, Level II*  
 An engineering contract with Sage Civil Engineering was presented. The budget is \$204,500. Contract negotiations resulted in the inclusion of an ARC-GIS graphical user interface to the scope of services with no additional budget.
- *Lovell Master Plan, Level I*  
 An engineering contract with DOWL HKM was presented. The budget is \$104,000. There were no selection committee recommendations for contract negotiations.
- *Middle North Platte Watershed Study, Level I*  
 An engineering contract with RESPEC Consulting and Services was presented. The budget is \$239,000. There were no selection committee recommendations for contract negotiations.
- *Sheridan Supplemental Storage, Level II Phase II*  
 An engineering contract with Entech was presented. The budget is \$240,000. There were no selection committee recommendations for contract negotiations.
- *Sundance Master Plan, Level I*  
 An engineering contract with Trihydro Corporation was presented. The budget is \$146,264. Contract negotiations resulted with the addition of a SCADA evaluation task to the scope of services with a budget of \$3,500.

- *Upper Green River Watershed Study, Level I*  
An engineering contract with Sunrise Engineering, Inc. was presented. The budget is \$293,460. There were no selection committee recommendations for contract negotiations.

Mitch Cottenoir made a motion to approve all documents as presented, seconded by Margo Sabec. The motion carried.

In a separate action, the Select Water Committee approved a similar motion.

### **Memorandums of Understanding**

- *UW Office of Water Programs MOU*  
A Memorandum of Understanding (MOU) with the University Office of Research was presented. The MOU serves to provide \$175,000 for FY2013 and FY2014 funding of the Office of Water Programs within the Office of Research at the University of Wyoming. Margo Sabec made a motion to approve the MOU as presented, seconded by Shawn Hall. The motion carried.

In a separate action, the Select Water Committee approved a similar motion.

- *UW Water Research Program MOU*  
A Memorandum of Understanding (MOU) with the University Office of Research was presented. The MOU serves to provide \$400,000 for FY2013 water research projects. Discussion followed.

Representative Lorraine Quarberg requested that an energy representative, such as the Oil and Gas Conservation Commissioner, be invited to serve on the Priorities and Selection (P&S) Committee. Discussion followed. Mitch Cottenoir made a motion to approve the Water Research Program MOU conditional upon an Oil and Gas Conservation Commission representative be invited to serve on the Priorities and Selection Committee, seconded by Margo Sabec. The motion carried. In a separate action, the Select Water Committee approved a similar motion.

It was requested that proposals received for consideration for funding from the UW Water Research Program be provided to the Select Water Committee and the WWDC by the WWDO representative on the P&S Committee. Interested Committee members and Commissioners will submit comments to the WWDO representative, who will relay those comments to the P&S Committee. However, the WWDO representative will not be bound to vote in accordance with the comments received.

8. Groundwater Exploration and Grant Program. An application from the Sweetwater Improvement and Service District (District) is pending but was not received in time for the meeting. Director Purcell suggested that if the application is received, he would

recommend it be denied. Through the Groundwater Exploration and Grant Program, the District would have a ownership position in the well. He noted that if a well was constructed, the WWDC would want to retain control of the well to promote a regional water system. Therefore, a Level II application would be a better avenue to discuss if the well is needed and, if so, who would it serve. The application was tabled pending the receipt of either an application for a Groundwater Grant or Level II study.

9. Pathfinder Modification Project and NE vs. WY Settlement

The construction of the Pathfinder Modification Project was completed in the winter of 2011-2012. In 2001, an amendment to the 1953 Order for the Modification of Pathfinder Reservoir stipulated that upon the completion of the Pathfinder Modification Project, the State of Wyoming must meet the following conditions.

Release the 404 permit and water rights for the Deer Creek Project. The US Corps of Engineers is searching for a letter which indicated that the permit had already been rescinded. Jim Wilson made a motion authorizing the director to seek abandonment of the Deer Creek Dam and Reservoir water right and 404 permit, seconded by Shawn Hall. The motion carried.

Provide a fee simple title to 470 acres of habitat in central Nebraska to the U.S. Fish and Wildlife Service (USFWS) or its designated entity. The USFWS has named the Platte River Recovery Implementation Program (PRRIP) as its designee to receive the deed for the property. Director Purcell noted the land will serve as terrestrial mitigation for the Pathfinder Modification Project and the state has also received credit through the PRRIP for the land transfer. Discussion followed. Jeanette Sekan made a motion to authorize the director to sign the title on behalf of the WWDC after review and approval by the Attorney General's Office. The motion was seconded by Shawn Hall; the motion carried.

In conjunction with the Deer Creek Reservoir Project, land was purchased in 1989 from True Ranches. A provision in the purchase agreement provided for an option for the reacquisition of the lands at the original purchase price by the seller if the project was not built. True Ranches LLC sent written notice, dated January 18, 2012, of its desire to reacquire the Deer Creek project lands. A Purchase Agreement with True Ranches LLC was presented. Shawn Hall made a motion authorizing the director to sign the agreement and complete the transaction on the commission's behalf after review and approval by the Attorney General's Office, seconded by Jeanette Sekan. The motion carried.

The original deed to the Deer Creek project lands does not clearly describe some of the Deer Creek project property. Exhibit C in the proposed Purchase Agreement provides a detailed description to be used in both the agreement and an amended deed separate from the Purchase Agreement and any deed under that agreement. The amended deed would replace the original 1989 deed from True Ranches. Margo Sabec made a motion to approve the amended deed and authorize the director to use the description

from Exhibit C in the Purchase Agreement. The motion was seconded by Jeanette Sekan; the motion carried.

10. Pavillion East Water Supply Project. The draft Work Plan was presented. Discussion followed. Mike Purcell noted that the Wyoming Department of Environmental Quality (WDEQ), through its Storage Tank Program, would serve as the lead agency in the design and construction of the project. A memorandum of understanding will be offered for Commission and Select Water Committee approval that will transfer a portion of the project appropriation to WDEQ. The draft agreement with residents to receive the cisterns was discussed.
11. Discussion  
*Financial Status Report.* The WWDC 2003/2004 budget had an appropriation of \$8.7 million for the WWDO to assist in the implementation of the Nebraska v. Wyoming Settlement. As authorized, the WWDO has used the funds for short term and long term replacement water for wells in Goshen County, the Pathfinder Modification, and development of the Wyoming Depletion Plan. There is a remaining balance of approximately \$2.6 million. Director Purcell recommended that \$850,000 be retained: \$500,000 for replacement water insurance; \$200,000 for gage maintenance for the State Engineer's Office; and \$150,000 for technical services for the Attorney General's Office. The remaining funds, approximately \$1,750,000 would be reverted back to Water Account I. Senator Meier inquired if there was funding available for the Pathfinder Modification Project and the long-term purchased of Glendo storage water. Director Purcell responded that debt service accounts had been approved by the legislature for these projects. No concerns were expressed regarding the director's recommendation.

The director indicated that with the reversions from completed projects and prepayment of loans, the financial status of the three (3) water development accounts has improved since the end of the 2012 Legislative Session. Present projections indicate there will be approximately \$56.1 million available in WDA I, \$10.8 million in WDA II, and \$127.2 million in WDA III, available for projects during the 2013 Legislative Session.

#### *Miscellaneous*

Big Sandy Enlargement/Eden Valley Reservoirs, Level II study. Additional funding of \$150,000 is required to evaluate the operation of Eden Valley Reservoir and reconfigure the plan for the Big Sandy Enlargement to accommodate a new approach for wetland mitigation, which may allow for the inundation of wetlands during the spring. Agency research monies of \$150,000 will be utilized to fund the additional studies. Discussion followed. Margo Sabec made a motion to approve the use of \$150,000 of the agency's research budget, seconded by Jeanette Sekan. The motion carried.

In a separate action, the Select Water Committee approved a similar motion.

*Wyoming Drinking Water State Revolving Fund.* Wade Verplancke presented the FY 2013 Intended Use Plan. Discussion followed. The Select Water Committee voted to approve the 2012 Intended Use Plan.

12. Next Meeting

The next meeting will be August 15-17, 2012 in Riverton, Wyoming.

Mike Purcell, who is retiring on July 6th, expressed his thanks to the Select Water Committee, WWDC commissioners and WWDO staff for their support. The Select Water Committee, WWDC commissioners, WWDO staff and audience expressed their gratitude for his service as director.

Tim Hale of Laramie, Wyoming expressed concerns regarding statements made by Chris Nicholson, WRDS at an Albany County Aquifer Protection Plan hearing. Discussion followed.

There being no further business, the meeting adjourned at 11:52 a.m.

Respectfully submitted,

K. Jeanette Sekan  
Secretary