

Amended Minutes
Wyoming Water Development Commission/
Select Water Committee Joint Meeting
June 6, 2013

1. Chair Bill Resor called the meeting to order at 8:38 a.m.
2. Secretary Floyd Canfield called the roll of commissioners:

Commission Attendance:

Bill Resor, Chair
Jeanette Sekan, Vice-Chair
Floyd Canfield, Secretary
Nick Bettas
Karen Budd-Falen
Mitch Cottenoir
Sheridan Little
Margo Sabec

Division I, vacant
Division III, vacant

Advisors:

Greg Kerr, University of Wyoming
Andrew Kuhlmann, Attorney General's Office

Select Water Committee Attendance:

Senator Gerald Geis
Senator Stan Cooper
Senator Bernadine Craft
Senator Ogden Driskill
Senator John Hines
Senator Curt Meier
Representative Mark Semlek
Representative Stan Blake
Representative John Eklund
Representative Michael Madden
Representative Glenn Moniz
Representative David Northrup

3. Approval of Agenda. An additional item was added to the Pavillion East Cistern Project, as well as a Green River/Fontenelle Reservoir pipeline proposal and announcements to the agenda. Margo Sabec made a motion to approve the agenda, as amended, seconded by Karen Budd-Falen. The motion passed

4. Approval of Minutes
Margo Sabec made a motion to approve the May 10, 2013 WWDC meeting minutes, seconded by Floyd Canfield. The motion carried.
5. Audience Introductions
6. Planning Amendments
 - *Boulder Flats Water Supply, Level II*
An interim amendment to the engineering contract with HDR Engineering was presented. The amendment serves to acknowledge the purchase of Stetson Engineering, Inc. by HDR Engineering, Inc. and extends the contract expiration date to June 30, 2014.
 - *Burns Well, Level II Study*
A final amendment to the engineering contract with Lidstone and Associates, Inc. was presented. The amendment serves to document WWDC acceptance of the final report and to finalize the contract budget at \$322,294.91.
 - *Lance Creek Well, Level II Study*
A final amendment to the engineering contract with Wyoming Groundwater was presented. The amendment serves to increase the total contract amount by \$11,500 to cover additional costs for the design, construction, development and testing of a third test well. Additionally, it documents WWDC acceptance of the final report and finalizes the contract budget at \$304,000. Discussion followed.
 - *Little Snake Supplemental Storage (West Fork Reservoir), Level II Study*
An interim amendment to the engineering contract with Wenck Associates was presented. The amendment serves to acknowledge the purchase of States West Water Resources Corporation by Wenck Associates, Inc. It also serves to expand the scope of services with additional hydrologic analysis, water quality analysis, fisheries work, permitting and Phase IV services for an additional \$810,000 or a contract budget of \$1,326,511. Discussion followed.
 - *Pavillion Water Supply, Level II Study*
A final amendment to the engineering contract with James Gores and Associates was presented. The amendment serves to document WWDC acceptance of the final report and to finalize the contract budget at \$70,773.00.
 - *Probable Maximum Precipitation (PMP), Level II Study*
An interim amendment to the contract with Applied Weather Associates was presented. The amendment serves to expand the scope of services to

perform a cool season probable maximum precipitation and temperature time series development, a warm season precipitation frequency analyses for Wyoming, to perform a SPAS analysis for three Colorado storms, and to develop precipitation frequencies for the regions surrounding storm locations outside of Wyoming, and extends the contract expiration date to June 30, 2014. The contract budget was increased by \$229,821 to \$777,578. Discussion followed.

- *PMP Peer Review*
An interim amendment to the contract with Keim Consulting was presented. The purpose of the amendment is to add an additional peer review meeting for an increased budget of \$16,500 to \$32,500. The contract expiration date was extended to June 30, 2014.
- *PMP Peer Review*
An agreement with Patrick Diederich to was presented. The consultant is to attend peer review meeting(s) for the Probable Maximum Precipitation, Level II study. The budget is \$5,400.
- *PMP Peer Review*
An interim amendment to the agreement with the US Army Corps of Engineers, Omaha, Nebraska was presented. The amendment serves to add one additional peer review meeting for an increased budget of \$10,000 to \$47,000. The agreement is extended to June 30, 2014.
- *Wright Well, Level II Study*
An Accord and final amendment to the engineering contract with HDR Engineering, Inc. was presented. The amendment serves to acknowledge the purchase of Stetson Engineering, Inc. by HDR Engineering, Inc. It also documents the Accord reached by both parties regarding well RJ-7, documents the WWDC's acceptance of the well and final report and finalizes the contract budget at \$974,854.31. Discussion followed.

Margo Sabec made a motion to approve all planning amendments as presented, seconded by Jeanette Sekan. The motion carried. Margo Sabec made a motion to reconsider, seconded by Karen Budd-Falen. A motion to clarify the interim amendment to the Little Snake Supplemental Storage (West Fork Reservoir), Level II Study as Phase II was made by Margo Sabec, seconded by Jeanette Sekan. The motion carried.

In a separate action, the Select Water Committee approved all documents.

Contracts

- *Austin Wall Reservoir Rehabilitation Study, Level II*

An engineering contract with HDR Engineering, Inc. of Cheyenne, Wyoming was presented. The budget is \$275,000.

- *Belle Fourche River Watershed Study, Level I*
An engineering contract with RESPEC Consulting and Services of Rapid City, South Dakota was presented. The budget is \$339,000.
- *Blacks Fork River Watershed Study, Level I*
An engineering contract with Anderson Consulting Engineers, Inc. of Fort Collins, Colorado was presented. The budget is \$328,500.
- *Hanna Water System, Level II*
An engineering contract with PMPC of Saratoga, Wyoming was presented. The budget is \$96,000.
- *Heart Mountain Irrigation District Master Plan, Level II Study*
An engineering contract with Sage Civil Engineering of Cody, Wyoming was presented. The budget is \$172,900.
- *Lusk Master Plan, Level I Study*
An engineering contract with AVI Professional Corporation of Cheyenne, Wyoming was presented. The budget is \$192,760.
- *Muddy Creek Basin Instream Flows, Level I Study*
A contract with Biota Research and Consulting, Inc. of Jackson, Wyoming was presented. The budget is \$49,880.
- *Pine Haven Tank and Well, Level II Study*
An engineering contract with Baker and Associates, Inc. of Scottsbluff, Nebraska was presented. The budget is \$90,000.

Margo Sabec made a motion to approve all contracts as presented, seconded by Sheridan Little. The motion carried.

In a separate action, the Select Water Committee approved all documents with Senator Curt Meier opposing and Senator Ogden Driskill abstaining from the vote.

A discussion was held on the WWDC's criteria regarding the requirement that a project sponsor shall be a public entity, and that this requirement may be waived for a Level I project. A list of 26 WWDC projects previously completed with no public entity at application was presented and discussed.

Contracts for those 2013 projects without a public entity at application time were:

- *Eden Valley (Farson) Master Plan, Level II Study*
An engineering contract with JFC Engineers & Surveyors of Rock Springs, Wyoming was presented. The budget is \$87,552.
- *High Meadows Ranch Master Plan, Level I Study*
An engineering contract with WLC Engineering, Surveying and Planning of Pinedale, Wyoming was presented. The budget is \$171,944.
- *Interstate Canal and Reservoir, Level I*
An engineering contract with Hansen, Allen & Luce, Inc. was presented. The budget is \$163,168.77.
- *Lower Nowood Water Supply, Level II Study*
An engineering contract with Sage Civil Engineering was presented. The budget is \$66,000.

Margo Sabec made a motion to approve the Eden Valley (Farson) Master Plan, Level II; Interstate Canal and Reservoir, Level I; and Lower Nowood Water Supply, Level II documents, seconded by Sheridan Little. The motion carried.

A motion to approve the High Meadows Ranch Master Plan, Level I contract was made by Margo Sabec, seconded by Sheridan Little. The motion carried with Nick Bettas abstaining from the vote.

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

7. Osmond Pipeline Master Plan, Level I Study
Director LaBonde met with Ron Bassett and three other board members on May 23, 2013 ***at which time the Director stressed the need for an Osmond Pipeline company representative to attend the June meeting.*** A letter dated May 30, 2013 from the Osmond Pipeline Company Board of Directors was presented and discussed. ***A request had been made previously that a member of the Board of Directors of the Osmond Pipeline Company attend the June 6, 2013 meeting, however no member was present.*** The director's recommendation was to accept the recommendations of the consultant selection committee including four items recommended for expansion of the scope of services. Discussion followed. Margo Sabec made a motion to approve the Osmond Pipeline Master Plan, Level I project without selecting an engineering firm, seconded by Floyd Canfield. The motion failed.

Director LaBonde questioned how to inform the project sponsor of this action. Senator Geis indicated that the project had been turned down and a new application would be needed. Discussion followed.

8. Memorandum of Understanding (MOU)

A Memorandum of Understanding between the WWDC and the University of Wyoming for the Water Research Program was presented. Discussion followed. Margo Sabec made a motion to approve the MOU with the following amendments:

Section 2, Purpose shall read "The purpose of this MOU is to further the water resource research objectives of the WWDC."

Section 6, General Provisions, A. Amendments shall read "The WWDC may amend this MOU at any time and any such amendments shall be incorporated by written instrument; provided that no amendment shall affect any project previously approved by the WWDC."

The motion was seconded by Karen Budd-Falen. Discussion followed.

Margo Sabec moved to amend the existing motion by adding:

Section 6, C. Availability of Funds shall read "**The WWDC may withhold funding at any time provided that no such decision shall affect any project previously approved by the WWDC.** Each payment obligation of either party is conditioned upon the availability of government funds which are appropriated or allocated for the payment of this obligation. .."

Karen Budd-Falen seconded the amendment. Discussion followed. Both parties agreed to withdraw both the original motion and amendment

Margo Sabec made a motion that Section 4, Payment should read as follows: "The total payment provided by the WWDC to the University shall not exceed four hundred thousand dollars (\$400,000.00). Payment shall be made to the University of Wyoming Office of Sponsored Programs during fiscal year 2014 in the form of one annual payment of four hundred thousand dollars (\$400,000.00) on or after July 1, 2013. **However, none of this funding shall be used for any new project which has not been approved before the effective date of this MOU.**" The motion was seconded by Karen Budd-Falen. The motion carried.

In a separate action, the Select Water Committee approved the amended MOU with the addition of "by the WWDC" after the words, "has not been approved."

Margo Sabec moved for reconsideration of the MOU amendment to reflect a like action taken by the Select Water Committee, seconded by Karen Budd-Falen. The motion carried.

Revisions to the UW Water Research Program criteria shall be discussed at the August workshop in Baggs, Wyoming and the November meeting.

9. Pavillion East Cistern Project

An agreement with Lawrence and Mary Eberhardt was presented. The 2012 Project Criteria provides that the WWDC may provide a one-time reimbursement for a resident's previously installed cistern water system in exchange for the resident granting the State of Wyoming, through the Department of Environmental Quality, a license to access and test the resident's existing domestic water wells for water quality. The payment is \$11,000. Mitch Cottenoir made a motion to approve the agreement, seconded by Jeanette Sekan. The motion carried.

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

Agreements are pending for John Fenton, Stephen Hugus, Richard Pattison, Leon Toyne and Cory Toye. All parties are within the approved boundaries of the Pavillion East Cistern project. Mitch Cottenoir made a motion to approve all five pending agreements and to authorize the director to sign said agreements on the WWDC's behalf. Jeanette Sekan seconded the motion. The motion carried.

10. 33 Mile Pump Station Project – Sponsor's Inflation Fund - WDA I
On March 8, 2013, the WWDC voted to approve the additional expenditure from the Account I Sponsor's Inflation Fund. The Select Water Committee approved the additional expenditure of \$11,500 from the Sponsor's Inflation Fund (WDAI).
11. Proposed Rule Changes for the WWDC.
Director LaBonde presented a draft of proposed changes to the WWDC rules and regulations. Further suggested changes included:
 - Chapter 1, Section 4. Definitions. Strike subsection e, water project.
 - Chapter I, Section 1, Meetings. Addition of "All meetings shall be called and conducted in compliance with the Public Meetings Act (W.S. 16-4-404 through 16-4-408, as amended)."
 - Chapter IV, Section 3, Fees and Charges, subsection (a); the addition of a comma after "When practical."Discussion followed. Karen Budd-Falen requested that Chapter III, Administration, Section 2. Signing of Contracts not be deleted. Margo Sabec made a motion to approve all proposed changes to the WWDC Rules and Regulations, seconded by Karen Budd-Falen. The motion carried.

Margo Sabec made a motion for the agency to proceed with the rule making process, incorporating the amendments adopted as of June 6, 2013. The motion was seconded by Sheridan Little. The motion carried.
12. Middle Fork of the Powder River Reservoir
The Powder River Reservoir Corporation's (PRRC) request for the WWDC to join their appeal of the State Engineer's action to cancel Permit Numbers 7548R and 7549R was presented at the March 8, 2013 WWDC meeting. The director's

recommendation was to decline the request to join the PRRC appeal and to direct staff to seek a joint dissolution of the Purchase Option agreement.

Jeanette Sekan made a motion to accept the director's recommendation, seconded by Nick Bettas. Discussion followed. The motion carried with Margo Sabec recused from the vote.

13. Discussion

- Drinking Water State Revolving Fund (DWSRF) Intended Use Plan
Wade Verplancke presented the FY 2014 Intended Use Plan. Discussion followed. The Select Water Committee voted to recommend the 2014 Intended use Plan for funding.
- Green River/Fontenelle Reservoir Pipeline. Bryce Reese and Bill Taliaferro presented a proposal to build a 45 mile pipeline from Fontenelle Reservoir to the Rock Springs/Green River area to supply agriculture water for 60,000 acres of land and potential industrial and municipal users. Discussion followed.

14. Announcements

Recently appointed commissioners include Todd Werbelow, Division III and Rodney Wagner, Division I.

Staff members Mike Hackett, Construction Division Administrator and Vicki Winders, Outreach Coordinator, are retiring after 34 years and 38 years, respectively, of service to the State of Wyoming.

15. Future Meetings Schedule

The summer workshop, tour and joint meeting will be August 21-23, 2013 in Baggs, Wyoming and the November joint workshop and meeting will be held November 6-8, 2013 in Casper, Wyoming.

There being no further business, the meeting adjourned at 2:00 p.m.

Respectfully submitted,

Floyd Canfield
Secretary

Amended at WWDC/SWC joint meeting August 23, 2013, see bold, italicized, underlined.