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Wyoming Water Development Commission  
Workshop  
Cheyenne, Wyoming  
March 3, 2016

Chairman Floyd Canfield called the workshop to order at 1:30 p.m.

1. Secretary Bettas called the roll of commissioners:

Commission Attendance:

Floyd Canfield, Chair  
Sheridan Little, Vice-Chair  
Nick Bettas, Secretary  
Jeanette Sekan  
Karen Budd-Falen  
Travis Brockie  
Rodney Wagner  
Bill Resor  
Todd Werbelow  
David Evans

Advisors in Attendance:

Greg Kerr, University of Wyoming  
Abigail Boudewyns, Attorney General's Office

2. Audience Introductions

3. Legislative Update

Director LaBonde discussed several bills relative to the WWDC.

-SF0037 now allows up to 75% of our Commission to be of one political party rather than the previously required 50-50% split. The bill won't affect the commission immediately, but may affect future appointees.

-SF0031 Omnibus Water Bill – Planning, passed both houses, picked up one amendment in House appropriations from Representative Lindholm. It reduced the appropriation for the UW Irrigation Study from \$400,000 to \$200,000. Director LaBonde requested the appropriation be increased to \$270,000.00. The amendment passed with an appropriation of \$270,000.00 and eliminated the portion of the request to include the City of Laramie in the study.

-HB0041 Omnibus Water Bill – Construction, passed both houses without amendments.

-Agency Budget - It was approved except for the \$100,000.00 exception request for WRDS.

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#### **4. Wyoming State Engineer Update**

State Engineer Pat Tyrrell discussed the budget cuts affecting general fund agencies. He discussed personnel changes in the agency. Mr. Tyrrell also discussed the potential for Montana to place a call for regulation this spring referring to the ongoing case of MT v. WY.

#### **5. Review of Consultant Shortlists**

Director LaBonde and Barry Lawrence outlined and reviewed the process citing many statistics. LaBonde indicated Instream Flow was on hold until potentially next week pending a decision by Wyoming Game & Fish. Bill Resor mentioned the importance of being able to control the Level I Studies and the information we gather in response to the request by Nick Bettas for sponsors to be financially involved in Level I Studies.

#### **6. Review of Scopes of Service for Planning Contracts**

Barry Lawrence explained RFPs were due to go out on Monday, March 7, 2016. Proposals will be due back in the office April 1, 2016. Karen Budd-Falen and Nick Bettas both discussed the importance of final report presentations to the commission.

#### **7. Review of Consultant Proposal Ranking Worksheet**

Barry Lawrence reviewed the proposed proposal ranking worksheet with the Commission. Bill Resor questioned whether they needed to retain the documents and strongly recommended against keeping the forms for the paper trail. Assistant Attorney Abigail Boudewyns indicated if it's written down and on a form it is automatically public record. David Evans, referring to his experience with other civic groups, indicated it was the "norm" to keep the documents to serve as proof of the process. Bill Resor is concerned with the stifling effect on conversation it might have if they have to return documents. Jeanette Sekan stressed the importance of remembering the LSO Audit was comprised of suggestions, not requirements. Commissioner Evans indicated having the information discoverable led to a sense of a more "up and up" process. Harry indicated Andrea Odell had prepared a spreadsheet with contract awards for the last 5 years. The spreadsheet will not be illustrative of any time extensions issued. Jeanette Sekan warned against getting caught up in the process.

#### **8. Review of Governor's Water Initiative #6 – Ten in Ten**

Jason Mead and Director LaBonde briefed the commission on the status of proposed reservoir projects. Nick Bettas requested estimated date of construction for said projects. Jason Mead indicated he had a timeline, but it was highly variable and dependent on multiple regulatory agencies. Nephi Cole, policy analyst with Governor

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Mead's office was in attendance to thank and recognize Jason Mead and Director LaBonde for their work on the Governor's Water Strategy Initiative #6.

**9. Discussion**

Review of progress on LSO Recommendations – The Commission discussed their interim committees. They will also be scheduling a special meeting before the end of March to further discuss rules vs. criteria.

**10. Adjourn**

The workshop adjourned at 5:09 p.m.



Nick Bettas  
Secretary

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Wyoming Water Development Commission  
Meeting  
Cheyenne, Wyoming  
March 4, 2016

1. Chairman Floyd Canfield called the meeting to order at 8:36 a.m.
2. Secretary Nick Bettas called the roll of commissioners:

Commission Attendance:  
Floyd Canfield, Chairman  
Sheridan Little, Vice-Chair  
Nick Bettas, Secretary  
Jeanette Sekan  
Karen Budd-Falen  
Travis Brockie  
Rod Wagner  
Bill Resor  
Todd Werbelow  
David Evans

Advisors in Attendance:  
Greg Kerr, University of Wyoming  
Abigail Boudewyns, Attorney General's Office

3. **Audience Introductions**

4. **Election of Officers**

A motion was made by Bill Resor to nominate Sheridan Little for Chairman, Nick Bettas for Vice-Chairman and Rod Wagner for Secretary; seconded by Jeanette Sekan. Rod Wagner declined the nomination. Bill Resor amended his motion to only include the Chair and Vice Chair positions. Rod Wagner seconded the motion as amended. The motion carried unanimously. Todd Werbelow moved to nominate Travis Brockie for Secretary, Travis Brockie declined the nomination. Rod Wagner made a motion to nominate Todd Werbelow for Secretary, Nick Bettas seconded the motion, the motion carried unanimously.

5. **Approval of Minutes**

Karen Budd-Falen made a motion to approve the January 6, 2016 workshop minutes and the January 7, 2016 meeting minutes; seconded by Floyd Canfield. The motion carried unanimously.

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## 6. Planning Amendments

- *Bench Canal Master Plan, Final Amendment*  
A final amendment to the engineering contract with Sage Civil Engineering was presented. The amendment serves to document WWDC's acceptance of the final report, to document the actual cost of each task, and document the final contract amount of \$134,600.33, a reduction of \$32,124.67. Todd Werbelow announced his recusal from the Bench Canal Master Plan vote. Bill Resor made a motion to approve the Bench Canal Master Plan Final Amendment. Rod Wagner seconded the motion, the motion carried with Todd Werbelow recused.
- *Big Wind River Storage, Level II, Phase I Amendment No. 1*  
An interim amendment to the engineering contract with Tetra Tech, Inc. was presented. The amendment serves to extend the Contract expiration date to December 31, 2016.
- *Laramie Master Plan, Level I Study, Final Amendment*  
A final amendment to the engineering contract with Western Water Consultants was presented. The amendment serves to document WWDC's acceptance of the final report, document the actual cost of each task and to document the final contract amount of \$248,400.00, a reduction of \$3,401.80.
- *Little Wind River Storage, Level II, Phase I Amendment No. 1*  
An interim amendment to the engineering contract with Tetra Tech, Inc. was presented. The amendment serves to extend the Contract expiration date to December 31, 2016.
- *Middle Piney Reservoir, Level II, Amendment No. 9*  
An interim amendment to the engineering contract with Wenck Associates Inc., was presented. The amendment serves to extend the Contract expiration date to March 31, 2017. Bill Resor made a motion to approve the Middle Piney Reservoir, Level II, Amendment No. 9. Jeanette Sekan seconded the motion. The motion carried with Karen Budd-Falen recused.
- *Piney Cruse Diversion, Level II Study – Tabled Amendment - Update*  
The Amendment was tabled by the Commission, the WWDO went back to the Sponsor, they have agreed to pay for additional study costs.
- *Viva Naughton Enlargement Study, Level II, Phase II Amendment No. 9*  
An interim amendment to the engineering contract with Wenck Associates was presented. The amendment serves to extend the Contract expiration date to March 31, 2017. David Evans announced his recusal. Bill Resor made a motion to approve the Viva Naughton Enlargement Study, Level II, Phase II, Amendment

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No. 9. Rod Wagner seconded the motion, the motion carried. David Evans recused from the vote.

▪ Willwood Irrigation District Master Plan, Final Amendment

A final amendment to the engineering contract with Sage Civil Engineering was presented. The amendment serves to document WWDC's acceptance of the final report, to document the actual cost of each task, and to document the final Contract amount of \$130,060.89, a reduction of \$26,664.11.

Jeanette Sekan made a motion to approve the Big Wind River Storage, Level II, Phase I Amendment No. 1, the Laramie Master Plan, Level I Study, Final Amendment, the Little Wind River Storage, Level II, Phase I Amendment No. 1 and the Willwood Irrigation District Master Plan, Final Amendment. Bill Resor seconded the motion, the motion carried unanimously.

**7. Upton Contract Suspension**

Floyd Canfield made a motion to forgive the grant portion of the project in the amount of \$33,741.20 and require repayment of the loan portion in the amount of \$16,618.80. Todd Werbelow seconded the motion. Floyd Canfield then amended his motion to reflect the reason for the grant forgiveness and loan repayment requirement. Floyd Canfield made a motion to forgive the grant funds in the amount of \$33,741.20 and require repayment of the loan in the amount of \$16,618.80 due to the failure of the Level II study to bring issues to light and the good faith effort on the part of the Sponsor to not spend unnecessary funds. The amended motion was seconded by Todd Werbelow. The motion carried with Jeanette Sekan and Nick Bettas opposed.

**8. Small Water Program Projects**

Jodie Pavlica presented the totals for Small Water Program Applications.

Account I

- Crook County Natural Resource District: 1 project – grant total: \$10,775.00
- Lincoln Conservation District: 1 project – grant total: \$24,000.00
- Little Snake River Conservation District: 13 projects – grant total: \$322,000.00
- Saratoga Encampment Rawlins Conservation District: 1 project – grant total: \$35,000.00
- Uinta County Conservation District: 3 projects – grant total: \$36,750.00

Account II

- Little Snake River Conservation District: 7 projects – grant total: \$130,000.00
- Sublette County Conservation District: 3 projects – grant total: \$80,000.00
- Uinta County Conservation District: 1 project – grant total: \$20,000.00

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Nick Bettas made a motion to approve #1 and #2 priorities including the Westside Canal Co. Spill Ditch for funding. Jeanette Sekan seconded the motion. The motion failed, 5-5, David Evans, Todd Werbelow, Bill Resor, Sheridan Little and Karen Budd-Falen opposed.

Bill Resor made a motion to approve projects, as recommended by staff, except priority #5 projects. Rod Wagner seconded the motion. The motion carried, with Nick Bettas opposed.

#### **9. UW Water Research Program**

Director LaBonde discussed the UW Water Research Program MOU.

Karen Budd-Falen made a motion to approve the MOU, Jeanette Sekan seconded the motion. The motion carried unanimously.

The deadline to submit ideas for the 2016 RFP is April 21. Please get your suggestions to Jodee Pring or Greg Kerr.

#### **10. 2015 Colorado River MOA Application Results**

Director LaBonde presented the results of the Colorado River MOA applications.

The Bureau of Reclamation approved the Eden Valley Irrigation District project, and rejected the Fontenelle Dam Riprap Project and the two proposed weather modification projects. This was provided for Commission's informational only.

#### **11. Basin States Salinity Program – Funding Applications**

Two applications were received.

- Austin Wall Black Forks Drainage - \$200,000.00
- Eden Valley Irrigation & Drainage District – F2, F3, & F5 Farson Laterals - \$2,270,000.00

Jeanette Sekan made a motion to approve the Director's recommendation. Todd Werbelow seconded the motion, the motion carried unanimously.

#### **12. 2016 Consultant Selection Schedule**

Barry Lawrence passed out and discussed the draft interview schedule.

#### **13. Consideration of Consultant Proposal Ranking Worksheets**

In response to LSO Recommendation 4.5 –

Bill Resor made a motion to approve the Consultant Selection Guidelines as provided and edited by Barry Lawrence. Jeanette Sekan seconded the motion. The motion carried unanimously.



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#### **14. Consideration of enlarging the selection committee for the Platte Alliance Water Supply Study**

Director LaBonde requested approval to include a sixth person on the Platte Alliance Water Supply Study interview committee to include a Sponsor representative from Scottsbluff.

Bill Resor made a motion to approve the sixth committee person. Jeanette Sekan seconded the motion, the motion carried unanimously.

#### **15. Dams and Reservoir Investment Accounts**

In response to the LSO Recommendation 2.1, Director LaBonde and Agency Fiscal Officer Andrea Odell presented a memo with 10 year projections for the following reservoir accounts:

- Fontenelle Reservoir Account
- Buffalo Bill Dam Account
- Palisades Reservoir Account
- Miscellaneous Water Investment Account
- Keyhole Reservoir Account (no projection provided, account never set up)
- High Savery Reservoir Account
- Pathfinder Modification Account
- Glendo Reservoir Account
- Platte River Basin Endangered Species Account

Director LaBonde will work with the Commission to develop final recommendations to the Management Audit Committee. No action was required by the Commission.

#### **16. Discussion**

- Loan options for Irrigation Districts  
In response to a request from Senator Meier, Director LaBonde prepared a memo outlining finance options for Irrigation Districts. Based on his memo, the opportunities are limited and current lender requirements would seem to make the WWDC loan program more desirable.
- The Wyoming Water Updates, formerly known as Basin Advisory Group (BAG) meetings will be taking place March 15-17, 2016 and April 19-21, 2016.
- Director LaBonde informed the Commission of the interaction with Senator Driskill during the recent Select Water Committee meeting regarding the applications which were denied from the Crook County Irrigation District.

Karen Budd-Falen said it was important to know if, in fact, we are treating all applicants the same.



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**17. Future Meeting Schedule**

A special meeting will be held on March 22, 2016 at 9:00am as a conference call to discuss the LSO Audit progress.

**18. Adjourn**

There being no further business, a motion was made by Jeanette Sekan to adjourn the meeting at 1:04 p.m., seconded by Floyd Canfield. The motion carried unanimously.

Respectfully submitted,



Todd Werbelow  
Secretary