

---

**Wyoming Water Development Commission/Select Water Committee  
Joint Workshop  
Hampton Inn, 1055 Wild Horse Canyon Rd., Green River, WY  
August 23, 2017**

1. Chairman Sheridan Little called the workshop to order at 1:33pm.

**Roll Call**

Commission attendance:

Sheridan Little, Chairman

Nick Bettas, Vice-Chairman

Clinton Glick, Secretary

Gerald Geis

Kellen Lancaster

Rodney Wagner

David Evans

Larry Suchor

Jeanette Sekan

Karen Budd-Falen absent

Select Water Attendance:

Rep. Hans Hunt

Senator Larry Hicks

Senator Liisa Anselmi-Dalton

Senator Dan Dockstader

Senator Curt Meier

Senator Ogden Driskill

Senator Glenn Moniz

Rep. David Northrup

Rep. Stan Blake

Rep. Jerry Paxton

Rep. Dan Laursen

\*Welcome by Representative Stan Blake\*

2. **Audience Introduction**

3. **Riverton Valley Irrigation District – 2017 Flood Damage Report**

Guy Cameron, Director of Office of Homeland Security (OHS), as well as additional staff members from the OHS reported on the 2017 flood damage incurred by Riverton Valley Irrigation District (RVID) during the runoff period due to a particularly heavy snowpack. It was recorded as the second biggest snowpack in history. Scott McFarland and Mark White, representing the Riverton Valley Irrigation District presented facts and photos and outlined their plans for moving forward including expenses and future financial outlook. RVID will be presenting a funding request to the WWDC and SWC in November.

4. **Overview of the Gillette Regional Water System**

Bryan Clerkin, Deputy Director, Construction Division of WWDO presented information and update on the Gillette Regional Water System. Levi Jensen and Mike Cole from the City of Gillette were in attendance as well and gave an update from the local perspective. Several questions were asked and discussion followed.

---

## **5. Future Work Efforts in River Basin Planning**

Jodee Pring, River Basin Planning Supervisor and Peter Gill, River Basin Planning Project Manager presented and outlined multiple options for the Commission and Select Water to consider for the 2018 funding cycle. Cost savings and centralized data availability were the primary focus of the presentation. The options will be presented in November during the funding meeting in Casper, WY.

## **6. Public Comments on the Small Water Project Program**

Director LaBonde reviewed the 6 comments received in response to the WWDC's request for comments. No changes were proposed by the WWDC during the comment period. Discussion about the \$135,000.00 project maximum cap followed. Other comments suggested a watershed study or equivalent no longer be required to participate in the Small Water Project Program. The Commission will further discuss at a special meeting to be scheduled in October. An underlined/strike-out version will be available for action in November for the commission.

## **7. Delegation of Administrative Duties to the Office**

In response to HB 0024 Director LaBonde wrote a memo and presented the proposed delegation of duties for the commission to consider. Karen Budd-Falen submitted her responses and suggestions prior to the workshop for discussion in her absence. Director LaBonde indicated this would serve to facilitate the delegation of duties to the office. Commissioner Evans questioned whether this was a necessary exercise as statutorily Director LaBonde and staff will manage day to day operations.

## **8. New Applications and Commissioner Assignments**

Barry Lawrence presented the commissioners with a spreadsheet of new applications, 21 total, with commissioner assignments. Barry requested conflict of interest declarations, none indicated at that time.

## **9. Financial Information**

Director LaBonde presented the 2019-2020 Agency Biennium budget submittal as well as the financial projections for WDA I, II, III for the 2019-2020 biennium.

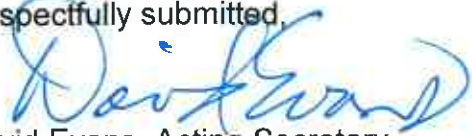
## **10. Overview of the August 24<sup>th</sup> tour**

Jason Linford of Sunrise Engineering gave a brief overview of the Jamestown/RioVista project as no roadside stop would be available.

---

The workshop adjourned at 7:15pm

Respectfully submitted,



David Evans, Acting Secretary

---

**Wyoming Water Development Commission/Select Water Committee  
Joint Meeting  
Hampton Inn, 1055 Wild Horse Canyon Rd.,  
Cheyenne, Wyoming  
August 25, 2017**

1. Chairman Sheridan Little called the meeting to order at 8:29 am.

2. Roll Call

Commission attendance:  
Sheridan Little, Chairman  
Nick Bettas, Vice-Chairman  
Clinton Glick, Secretary  
Jeanette Sekan  
Karen Budd-Falen  
Rodney Wagner  
Gerald Geis  
Kellen Lancaster  
Larry Suchor  
David Evans – absent

Select Water Committee Attendance:  
Representative Hans Hunt  
Senator Larry Hicks  
Senator Curt Meier  
Senator Dan Dockstader  
Senator Ogden Driskill  
Senator Glenn Moniz  
Senator Liisa Anselmi-Dalton  
Representative Jerry Paxton  
Representative Stan Blake  
Representative David Northrup  
Representative Dan Laursen

\*Mayor of Green River welcomed the WWDC and SWC\*

3. **Executive Session**

Rodney Wagner made a motion to enter executive session to receive legal advice and discuss personnel issues. Larry Suchor seconded the motion; the motion carried unanimously. The executive session began at 8:35 am and adjourned at 10:02 am. The Commission reconvened the public meeting at 10:16 am.

4. **Approval of Minutes**

Gerald Geis made a motion to approve the June 8, 2017 WWDC workshop minutes. Rodney Wagner seconded the motion; motion carried unanimously.

Larry Suchor made a motion to approve the June 9, 2017 WWDC/SWC Joint meeting minutes. Rodney Wagner seconded the motion; motion carried unanimously.

In similar action, Senator Anselmi-Dalton made a motion to approve the June 9, 2017 SWC minutes. Representative David Northrup seconded the motion; the motion carried unanimously.

---

Rodney Wagner made a motion to approve the August 3, 2017 WWDC special meeting minutes. Larry Suchor seconded the motion; motion carried unanimously.

Gerald Geis made a motion to approve the August 3, 2017 WWDC Executive Session minutes. Kellen Lancaster seconded the motion. Karen Budd-Falen amended the motion to attach the audio recording to the August 3, 2017 Executive Session minutes, Kellen Lancaster seconded the amendment to the motion. The motion to amend carried unanimously. The motion to approve the August 3, 2017 Executive Session minutes as amended carried unanimously.

## **5. Audience Introductions**

## **6. Closeout of Planning Projects**

### *Meeks Cabin Dam Enlargement Level II Study*

Jason Mead gave a brief summary of the project. Rodney Wagner made a motion to accept the Meeks Cabin Dam Enlargement Level II, Phase I Study as being complete and further, the WWDC makes the following findings relative to this project:

1. That the Commission recommend: continuing the advancement of the Projects with Task Orders No. 2017-1 (Meeks Cabin) and No. 2017-2 (Stateline) with Reclamation.

Larry Suchor seconded the motion; the motion carried unanimously.

## **7. Ground Water Exploration Grant Application – Snake River Sporting Club Improvement & Service District**

Director LaBonde reviewed the Ground Water Exploration Grant process, explaining these are infrequent and can be handled at any time by the commission. Reed Armijo, Jorgensen Associates, representing the Snake River Sporting Club Improvement Service District, answered a number of questions posed by the Director regarding additional lots, possibility of developer involvement and the ability to match funds.

Gerald Geis made a motion to table this until the November 2017 meeting in Casper, WY. Jeanette Sekan seconded the motion; motion carried unanimously.

## **8. New Planning Contracts**

Jason Mead presented four planning contracts for approval:

---

- Alkali Creek Reservoir Final Design

An engineering contract with Trihydro Corporation of Laramie, Wyoming was presented. The budget is \$1,847,400.00.

Gerald Geis made a motion to approve the Alkali Creek Reservoir Final Design contract. Jeanette Sekan seconded the motion; motion carried unanimously.

- Leavitt Reservoir Expansion Final Design

An engineering contract with RJH Consultants, Inc., of Englewood, Colorado was presented. The budget is \$2,776,800.00.

Gerald Geis made a motion to approve the Leavitt Reservoir Expansion Final Design contract. Kellen Lancaster seconded the motion; motion carried unanimously.

- Meeks Cabin Reservoir Technical Services Agreement – Task Order 2017-1

A task order between the WWDC and the Bureau of Reclamation was presented. The budget is \$294,536.00.

Gerald Geis made a motion to approve the Meeks Cabin Reservoir Technical Services Agreement – Task Order. Kellen Lancaster seconded the motion; motion carried unanimously.

- Stateline Reservoir Technical Services Agreement – Task Order 2017-2

A task order between the WWDC and the Bureau of Reclamation was presented. The budget is \$294,536.00.

Gerald Geis made a motion to approve the Stateline Reservoir Technical Services Agreement – Task Order. Rodney Wagner seconded the motion; motion carried unanimously.

In similar actions Select Water Committee approved the Alkali Creek Reservoir Final Design contract, Leavitt Reservoir Expansion Final Design contract, Meeks Cabin Reservoir Technical Services Agreement Task Order and the Stateline Reservoir Technical Services Agreement Task Order.

## **9. Amendment to 2010, 2011, 2016 Drinking Water State Revolving Fund Intended Use Plans (DWSRF IUP)**

---

Beth Blackwell, Program Manager with the Office of State Lands reviewed the amendments for the Select Water Committee's consideration. This serves primarily as an administrative clean-up.

Representative Jerry Paxton made a motion to approve the amendments. Senator Liisa Anselmi-Dalton seconded the motion; the motion carried unanimously.

**10. Colorado River Basin MOA Budget Modifications**

Director LaBonde presented a memo prepared by Keenen Hendon, requesting MOA budget modifications for two projects: Farson Lateral Piping Phase I increase in the amount of \$1,575,000.00 and an increase for the Big Sandy Enlargement in the amount of \$3,608,000.00.

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

**11. Consideration of the Town of Evansville's request to utilize the WDA I Sponsor's Contingency Fund for the Evansville Emergency Connection project**

There has been an approximate cost increase of 34.7%, mainly related to the delay in bidding due to land use easements and changes related to the connection point to the Central Wyoming Regional Water System.

Larry Suchor made a motion to approve the request. Gerald Geis seconded the motion; the motion carried unanimously.

The Select Water Committee took similar action. Representative Dan Laursen made a motion to approve, Representative Stan Blake seconded the motion; the motion carried.

**12. Consideration of the Town of Deaver's request to utilize WDA I Sponsor's Contingency Funds for the Deaver Transmission Pipeline**

The cost increase was due to the requirement by the right of way owners to install new casing instead of using the existing as well as initial estimates were for materials only rather than installed prices, and surface restoration prices were underestimated as well.

Gerald Geis made a motion to approve the request. Rodney Wagner seconded the motion; the motion carried unanimously.



---

Select Water Committee took similar action. Representative Jerry Paxton made a motion to approve the request. Representative David Northrup seconded the motion; the motion carried.

**13. Consideration of the Dull Knife Irrigation District's request to utilize WDA II Sponsor's Contingency Funds for the Dull Knife Reservoir Spillway Rehabilitation project**

The reason for the request and increase in costs appears to be mainly related to the remote location of the projects, the contractor's concerns with hauling distances for construction materials and potential weather delays.

Gerald Geis made a motion to approve the request. Larry Suchor seconded the motion; the motion carried unanimously.

The Select Water Committee took similar action. Senator Liisa Anselmi-Dalton made a motion to approve the request. Senator Dan Dockstader seconded the motion; the motion carried.

**14. Consideration of proposed revisions to Rules and Regulation and associated public comments**

Assistant Attorney General Daniel Solish informed the commission about the importance of fair notice in terms of changes to the rules. If the change is substantive, it should go back out for public comment. If it is a change the public could anticipate, then appropriate to proceed without going back out for comment.

**Public Comment Provided by Karen Budd-Falen:**

**Chapter VII, Section 2** – Jason Mead suggested language to address Karen Budd-Falen's comment(s) regarding applicants and reimbursements from non-public entities, Senator Curt Meier offered the addition of "operating criteria" regarding exceptions, to the paragraph:

"Eligible Applicants. Eligible applicants shall meet the definition of a Sponsor as defined in these rules, with the exception of Level I Reconnaissance studies in the New Development and Rehabilitation Program, and up to Level II, Phase III studies in the Dam and Reservoir Program. For said studies, the Commission may consider applications from applicants that do not meet the definition of a Sponsor at the time of application, but who intend to qualify as a Sponsor by the completion of the Level I Reconnaissance study in the New Development and



---

Rehabilitation Program or Level II, Phase III study for the Dam and Reservoir Program. Exceptions to this section shall be approved by the Commission on a case by case basis based upon operating criteria, the completed application and the review and recommendation by the Office. Under Wyo. Stat. Ann. §41-2-112, the Commission may require reimbursement from any applicants or project beneficiaries for Level I Reconnaissance and Level II Feasibility studies in the New Development and Rehabilitation Program, and/or Level II, Phase III studies in the Dam and Reservoir Program.

Karen Budd-Falen made a motion to adopt the proposed language from Jason Mead and Senator Curt Meier. Jeanette Sekan seconded the motion; the motion carried unanimously.

**Chapter VII, Section 3(a) and 3 (c)** – Staff recommends not changing the current review/evaluation process conducted by the Office staff. Gerald Geis made a motion to concur with the staff recommendation; Clinton Glick seconded the motion. The motion carried with Karen Budd-Falen in opposition.

**Chapter VII, Section 3(b) and 3(c)** – Karen Budd-Falen suggested inserting the word “detailed” between “A” and “description” in both (i) and (ii); insert the words “including date of completion” after the word “Commission” in (iii).

Staff recommended making those changes:

- 3(b)(i) A detailed description of the project;
- 3(b)(ii) A detailed description of any existing water systems;
- 3(b)(iii) A list of the applicant's past projects funded by the Commission, including date of completion;

Gerald Geis made a motion to accept the suggested additions from Karen Budd-Falen. Karen Budd-Falen seconded the motion; motion carried unanimously.

**Chapter VII, Section 4** – Karen Budd-Falen suggested an application fee be charged for “ongoing projects,” particularly in the case of a significant period of time between moving one level to the next.

Staff recommends this is the prerogative of the Commission and offers no opinion.

Assistant Attorney General Daniel Solish urged the Commission to exercise caution and encouraged them to go back out for public comment regarding any changes to the application fees. He also pointed out the fee is statutorily limited to \$1000.00.

---

Karen Budd-Falen made a motion that Section 4 be limited to state an application fee will be submitted with each new project application. Fees will be described in the operating criteria. Gerald Geis seconded the motion. Discussion followed.

Karen Budd-Falen offered an amendment to her motion: "An initial application fee of one thousand dollars shall be submitted with each new project application. *The application fee may be waived as described in the operating criteria.*"

Daniel Solish requested clarification regarding the second sentence of Chapter VII, Section 4: "If the Commission.....". Karen Budd-Falen suggested keeping the second sentence regarding the 75% refund on denied applications, and delete the third sentence – ~~"For ongoing projects which have already been accepted into the Program, no additional fee is required upon the filing of subsequent application to move a project to the next level in the schedule described in Wyo. Stat. Ann. §41-2-114."~~

Gerald Geis agreed to second the amendment. Discussion followed. Senator Anselmi-Dalton suggested a 'clean-up' of language regarding "applicant/sponsor". Daniel Solish indicated it would be a comment for review later in the discussion and suggested addressing it at that point. The Commission and Select Water Committee agreed.

The motion carried unanimously.

**Chapter VII, Section 5** – Karen Budd-Falen recommended clarifying priorities. Staff recommends no change based on the addition of the detailed priorities list in the operating criteria. Gerald Geis made a motion to accept the staff recommendation and make no changes to Section 5 of the Rules. Larry Suchor seconded the motion. No vote was taken.

Karen Budd-Falen made a motion, based on language suggested by Jason Mead, to change Section 5 to be: General Program Emphasis rather than priorities. Jeanette Sekan seconded the motion. The motion carried unanimously.

Daniel Solish suggested changing each reference to "priority" to "emphasis".

**Chapter VII, Section 6(a)** – Karen Budd-Falen suggested the commission does not accept incomplete applications. Staff recommends deleting subparagraph (a) ~~Whether the Sponsor submitted a complete application~~, based on the discussion provided above on Chapter VII, Section 3(a) and Section 3(c).

**Chapter VII, Section 6(d)** – Karen Budd-Falen referenced the discussion on priorities, the Commission took action to change "priorities" to "emphasis". No additional changes made in response to this comment.

---

**Chapter VII, Section 7** – Karen Budd-Falen suggested adding a sentence stating that a copy of all original applications shall be forwarded to the Commission. Staff recommends adding the requested language:

“Commission Recommendations. Upon receipt of an application, the Director and the Office shall review each application and develop preliminary recommendation to be considered by the Commission. A copy of all original application will be provided to the Commission. Prior to selecting projects.....

Karen Budd-Falen made a motion to approve the staff recommendation and insert the suggested language by Karen Budd-Falen. Gerald Geis seconded the motion; motion carried unanimously.

**Public Comment provided by Wyoming Association of Conservation Districts (WACD), submitted by Bobbie Frank, Executive Director:**

**Chapter VII, Section 2** – The comment questioned language in the “Eligible Applicants” paragraph regarding reimbursement and non-public entity status. The Commission addressed the same issue via a previous comment.

**Chapter VII, Section 3(b)(vi)** – Non-public entities should first seek out a public entity to sponsor an application in order to limit the number of special districts formed in the State. Staff recommends no change for the following reasons: as the purpose of special districts is specific to the type of need to be addressed; if the area of concern is in a municipal jurisdiction, the application should only be made by the municipality; neighboring districts have attempted in the past to help sponsor a project, drawing criticism; and statute generally do not allow for a special district to be set up within the same type of special district, as such the applications we receive are from landowners that do not have an existing district to seek assistance from.

Gerald Geis indicated agreement with the staff response regarding the above comment.

**Chapter VII, Section 7** – WACD recommends a written response be sent to applicants denied funding stating the reason for denial. Staff recommends no changes be made as it would become a more cumbersome process of including reasoning in the motion for denial. Discussion during the funding meeting as well as follow up contact between sponsors and project managers is sufficient communication.

Karen Budd-Falen made a motion to accept the public comment and reject the staff recommendation and proceed with providing a written explanation to

---

Sponsor's in cases of funding denial, to be included in the Rules or Operating Criteria. Larry Suchor seconded the motion. The motion carried with Larry Suchor in opposition.

Daniel Solish suggested clarification as to whether this will be included in Rules or Operating Criteria. The Commission agreed to include it in the Operating Criteria.

**Public Comment provided by Wyoming Stock Growers Association (WSGA), submitted by Jim Magagna, Executive Vice-President:**

**Chapter VII, Section 2** – WSGA is seeking clarification on language regarding sponsors and eligibility. This section has been dealt with previously in discussions outlined above.

**Chapter VII, Sections 6 and 7** – WSGA points out there is a discrepancy in proposed language regarding completed applications. Staff recommends deleting "Incomplete applications shall not be submitted to the commission for consideration." This allows the Commission discretion in evaluating applications.

**Chapter VII, Sections 6 and 7** – WSGA requests clarification of sponsor versus applicant. Staff recommends "applicant" be used in lieu of "sponsor" for this entire chapter. Gerald Geis moves to accept the public comment and the staff recommendation. Clinton Glick seconded the motion; motion carried unanimously.

**Public Comment provided by Wyoming Farm Bureau Federation (WYFB) submitted by Ken Hamilton, Executive Vice President:**

**Chapter I, Section 3(g)** – Commenter noted the joint business council of the Eastern Shoshone and Northern Arapaho Indian tribes may currently be dissolved. Staff recommends leaving it listed in the rules as a sponsor as it is listed in statute.

Clinton Glick made a motion to leave current language in tact regarding the joint business council of the Eastern Shoshone and Northern Arapaho Indian Tribes. Gerald Geis seconded the motion; motion carried unanimously.

**Chapter II, Section 1** – WYFB has concerns regarding the proposed deletion of quorum requirements. Staff recommends accepting the deletion as it is defined by statute 41-2-117(b) that a quorum for the Commission is six (6) members.

---

Gerald Geis made a motion to accept the staff recommendation and proceed with striking the language in Chapter II, Section 1, Meetings. Clinton Glick seconded the motion; motion carried unanimously.

**Chapter 3, Section 2** – WYFB questions the process by which an ‘acting secretary’ is selected. Staff recommends no changes to the rules at this time as the ‘vice or acting’ positions are selected by the Commission at the same time the Chairman and Secretary positions are selected.

Gerald Geis made a motion to accept the staff recommendation. Clinton Glick seconded the motion; motion carried unanimously.

**Chapter IV, Section 2** – WYFB questions the procedure in which two or more commissioners are present at a public hearing, and if they “shall” preside as hearing officers, how would they choose, as well as the procedure for choosing a hearing officer if the commissioner chooses not to participate in that manner.

Karen Budd-Falen made a motion to change the language in Chapter IV, Section 2 to: Membership Present at Hearings. Commissioner present at a hearing ~~shall~~ may serve as the presiding officer at such hearing. Jeanette Sekan seconded the motion; motion carried unanimously.

**Public Comment provided by WWDO Staff: presented by Jason Mead**

**Chapter VII, Section 3(a)** - Based on proposed changes to the Operating Criteria and project time line, language in the Rules needs to reflect those changes.

Jeanette Sekan made a motion to approve proposed language provided by Jason Mead:

Applicants shall submit completed new project applications to the Office ~~no later than August 15<sup>th</sup> of each year~~ by the date established in the Operating Criteria. For projects previously accepted into the Program, applicants shall submit completed applications to move a project to the next level of the Program to the Office ~~no later than October 1<sup>st</sup> of each year~~ by the date established in the Operating Criteria.

Gerald Geis seconded the motion; motion carried unanimously.

A completed, revised Rules and Regulations package along with comment responses will be presented to the Commission at a later date for final review and approval.



---

## 15. Consideration of proposed revisions to Operating Criteria and associated public comments

### Public Comment Provided by Karen Budd-Falen:

**Chapter III A.** – Karen's concern was to make sure the language regarding public entity status is consistent with the Rules and Regulations. Through discussion it was agreed the language is consistent.

**Chapter III B. 1.** – Karen requested "detailed" be added to the second sentence regarding the description of the project. The application must include a detailed description of the project. Staff agreed with the addition.

Additionally, she suggested the need for a statement requiring the sponsor to state the perceived need of the project on the application. Furthermore, Karen suggested the sponsor be required to indicate what use of the study they will make. Staff recommended not changing language in the Operating Criteria as those issues are between the sponsor, project manager and consultant, in essence a scope of services customized for each project with the final approval by the WWDC.

The commission agreed to the suggested language changes in Chapter III B. 1. Requirements for New Applications (second sentence) The application must include a detailed description of the project, the sponsor's perceived need for the project, a listing of available information pertinent to the project....

No changes were made regarding what uses the Sponsor will make of the study. Discussion to follow in October, 2017.

**Chapter III B. 2.** – Karen recommended project managers meet to discuss and review applications to identify potential issues ahead of time. Clarification was requested concerning the commenter's intention, whether it is Dams and Reservoirs or the Construction division she intended to have coordination with. Staff indicated coordination currently exists between all divisions regarding applications and projects and no changes are necessary to the Operating Criteria. Barry Lawrence and Bryan Clerkin addressed the concern by outlining the review and vetting of applications on both the planning and construction side of the house.

**Chapter III C. 1. b.** – Karen's comment was whether or not the WWDC should consider charging an application fee for a Level II study, especially for those starting at a Level II. As fee setting is the prerogative of the commission, staff has no comment on the matter. Discussion followed. Sheridan Little pointed out often

---

subsequent applications are stemming from the same projects. Karen Budd-Falen expressed concern over the amount of time that may lapse between applications. Jeanette Sekan asked if the Select Water Committee had received any complaints from their constituents over the current \$1000.00 application fee.

Karen Budd-Falen made a motion to require a \$1000.00 application fee for all new applications and for all follow-up applications that are requested after 4 years from the completed Level I or Level II study. Gerald Geis seconded the motion. Discussion followed. When questioned whether an applicant would be charged the \$1000.00 fee in the case of having brought an application for 3 consecutive years after the completion of a master plan, Karen Budd-Falen indicated no fee would be collected as the sponsor had shown due diligence in moving their project(s) forward. She also indicated it would possible to waive the fee based on good cause shown. Karen amended her motion to **5 years** from the completed Level I or Level II study. The motion carried, with Gerald Geis and Sheridan Little dissenting.

**Chapter III C. 2.** – Same comment and recommendation as previously handled in Chapter III B. 2.

**Chapter III D.** – Karen suggests including criteria for “good cause shown” when evaluating a waiver from the 10% cost share on Level I studies. Staff recommends if the commission moves forward with this comment, this is the appropriate place in the Operating Criteria for it. Karen Budd-Falen reiterated this was dealt with previously. Language needs to be developed and sent back out for public comment. Discussion will be continued on the subject at the October 2017 meeting.

**Chapter VII 1.** – Karen suggests adding a sentence to the section that incomplete applications as of August 15 shall not be considered by the commission. Earlier discussion during the day on this topic addressed this issue.

**Chapter VII 3.** – Karen’s comment suggests applications perceived to be “controversial” be flagged ahead of time and only those sponsors are then required to attend the November meeting. Staff suggests no changes be made as questions may arise at the November meeting regardless of a “flagging” system for projects perceived to be controversial. Sheridan Little pointed out that currently, sponsors are **not required** to attend the November meeting, but are encouraged to do so.

**Chapter VII 3.** – Karen also requested WWDO project managers attend and present their own project recommendation in November. Staff does not



---

recommend this approach for several reasons: the projects are well reviewed and understood by both the division administrator and the director at the time of presentation; the additional cost to have all project managers present is calculated at \$676.00 per hour plus travel and hotel expenses; project manager time can be better spent in the office; and if deemed necessary, project managers are asked to attend based on project needs.

**Attachment I A. 1.** – Karen indicated the attachment list A.1. a-f, does not match the scope of services found in the RFPs for various projects, particularly watershed studies. Staff recommends no changes as this serves as an outline of potentially included items. The WWDO staff has worked extensively to edit, tailor and improve the scopes of service on current projects.

**Attachment I B.** – Same concern as above, addressed similarly

Karen Budd-Falen questioned if now was the appropriate time to discuss the requirement to have a watershed study completed prior to participating in the Small Water Project Program (SWPP). That topic is up next on the agenda and discussion would be more appropriate at that time, and/or discussed in October.

**Attachment III.** – Karen suggested the priorities list is not particularly helpful when making funding decision. Staff recommends not changing the Operating Criteria. Sheridan Little indicated making a more detailed list with sub-categories would not be helpful as the funding decision is up to the Commission and considered on a case by case basis with general program emphasis already in place.

**Public Comment Provided by Dan Coughlin, Project Manager, Sheridan Area Water Supply Joint Powers Board:**

**Chapter IV C.** – He believes a 10% participation requirement in Level I studies will eliminate systems that cannot afford this cost. He recommends this cost be shifted to a Level III loan or not adopted. If some level of participation is adopted he recommends it be based on an ability to pay assessment by WWDO staff from information provided with the application with the range being 0 to 10%.

Multiple other comments were submitted regarding the same issue:

**Dave Engels, Don Gaddie, Shoshone Conservation District, Popo Agie Conservation District, Wyoming Association of Conservation Districts and Sublette County Conservation District.**

---

Staff recommends, in light of the large number of comments regarding this issue, the proposed revision be eliminated and the existing language in Chapter IV, C. be restored.

Jason Mead presented 3 additional staff comments opposing the 10% cost share proposal, citing reasons such as requiring the cost share could have unintended consequences making the program only accessible to more affluent conservation districts and sponsors. Additional concerns were maintaining the state's best interests in an unbiased study process as it is fully funded by the state.

Clinton Glick made a motion to eliminate the proposed 10% cost share and restore the original language in Chapter 3 (remove added item D.). Gerald Geis seconded the motion and offered an amendment to apply it to Level II or Level III projects. Clinton Glick seconded the amendment. Discussion followed, Gerald Geis withdrew his amendment. Motion carried unanimously. Discussion to continue at the October, 2017 special meeting yet to be determined.

**Public Comment provided by Jodee Pring, River Basin Supervisor, WWDO:**

**Chapter 3 F. 2.** – Jodee recommended adding language to further clarify the description of watershed studies.

These studies incorporate technical information that describe and evaluate the watershed's existing conditions including hydrology, geology, geomorphology, geography, soils, vegetation, water conveyance infrastructure, and stream system data. Watershed Studies, developed through local public outreach, identify projects that are eligible for funding from WWDC and other sources. These projects help to improve or maintain watershed functions and systems.

Watershed studies are an integral part of the Small Water Project Program, which has its own specific criteria. Watershed studies also identify project that may be eligible for the WWDC New Development, Rehabilitation, or Dam and Reservoir Programs.

Staff recommends adding the clarifying language.

Gerald Geis made a motion to approve the additional language. Karen Budd-Falen seconded the motion. Discussion followed. Sheridan Little suggested this topic be further discussed at the October 2017 meeting. Motion carried unanimously.

---

**Attachment II Program Statutes Title 41** – Jodee Pring also commented and requested additional statutory references be included in Attachment II. 41-1-106, 41-1-107, 41-2-107, 41-2-108, 41-2-109 and 41-2-110.

Staff recommends making the language change in Attachment II.

Karen Budd-Falen made a motion to add the statutes to Attachment II. Jeanette Sekan seconded the motion. The motion carried unanimously.

**Public Comment provided by Kristin Tilley, Shoshone Conservation District:**

In addition to her comments in opposition to the 10% cost share proposal, Kristin also felt the language addressing favoring and encouraging entities to form special districts is in direct conflict with the State's recent resistance to the number of special districts in existence.

Staff comments regarding the special district portion – the WWDC cannot provide funding to private entities thereby necessitating the formation of a special district if a governmental entity does not exist. Staff recommends no changes to the proposed operating criteria.

Further, Kristin commented the Shoshone Conservation District felt there was not adequate notice given for the proposed operating criteria revisions.

Staff outlined the multitude of outlets through which the revisions were noticed.

**Public Comment provided by Peter Gill, Project Manager WWDO:**

**Chapter II F.** – Peter suggested additional language in:

**Chapter II F. Water Resource Planning**

The Wyoming Water Development Commission serves as the water-planning agency for the State of Wyoming. The duties and authority of the Commission with respect to water resource planning are found in Wyoming Statute 41-1-106, and 41-1-107, and further described in Statutes 41-2-107 through 41-2-110. The water development planning function is an important aspect of the Water Development Program. Because the issues facing water development in the West are complex, the scope of the WWDC's planning efforts is not as closely defined at the New Development, Rehabilitation, and Dam and Reservoir Programs. The planning aspects of the Wyoming Water Development Program

---

describe existing and future uses of Wyoming's water, establish the framework for development strategies, and serve to identify and resolve water issues. The source of revenue for the planning function of the program is typically Water Development Account No. 1.

#### 1. River Basin Plans

The program develops basin wide plans for each of the state's major drainage basins. These plans develop essential information concerning the current status and future availability of Wyoming's water resources, in order to identify water supply problems and development opportunities. The plans serve to promote interest from water users who may become interested in a particular project and become project sponsors. Basin plans shall include the development of a water related database to provide data and information to feasibility studies, project developers, and resource managers.

Gerald Geis made a motion to adopt the suggested language. Rodney Wagner seconded the motion; motion carried unanimously.

Karen Budd-Falen made a request to table the discussion on River Basin Plans as she was absent for the discussion during the workshop on August 23, 2017. The commission took no action on the request to table.

#### **Public Comment provided by Wyoming Association of Conservation Districts (WACD), submitted by Bobbie Frank, Executive Director:**

##### **Chapter II C. Dam and Reservoir Program**

The WACD is requesting clarification of the WWDC funding programs available for dams and reservoirs.

Staff outline the 4 primary programs/funds for dams and reservoir construction.

##### **Chapter II D. Small Water Project Program**

WACD recommends raising the \$135,000.00 cap on limiting the size of projects.

Staff recommends no change until there is a statutory change in the limit.

WACD recommends allowing TMDLs performed by DEQ be accepted as an equivalent/substitute for a watershed study, thereby allowing access to the SWPP.

---

Staff recommends no change to the proposed operating criteria revisions as in most cases, TMDL studies are not equivalent to Watershed studies.

WACD suggests public benefit in the Small Water Project Program be defined as it is in the Wildlife & Natural Resource Trust (WNRT).

Staff recommends any changes suggested or made to the Small Water Project Program be directed to the Small Water Project Program Operating Criteria.

**Public Comment provided by Wyoming Stock Growers Association (WSGA), submitted by Jim Magagna, Executive Vice President:**

**Chapter II D.** – WSGA requests the financial limit definition for a small water project be increased from \$135,000.00 to at least \$150,000.00 to \$200,000.00.

Staff recommends no changes to the proposed operating criteria revisions as the \$135,000.00 is set in statute.

**Public Comment provided by Wyoming Farm Bureau Federation (WYFB), submitted by Ken Hamilton, Executive Vice President:**

**Chapter III B. 2. d. and E. 2. v.** – WYFB asks if the reference to water meters applies to irrigation systems.

Staff recommends no changes to the proposed operating criteria revisions as it is existing language and does not apply to irrigation systems.

**Chapter III B. 2.** – a formatting error was pointed out: The acceptance of the project application....should be numbered as item 3.

Staff recommends making the formatting correction.

**Attachment I B. 1. i.** – WYFB suggests changing the word “definition” to “description”.

Staff recommends making the change of wording.

Rodney Wagner made a motion to approve the suggested language changes, Larry Suchor seconded the motion. The motion carried unanimously.

**Public Comment provided by WWDO Staff: presented by Jason Mead**

**Chapter III B. 1. b.** – 4 staff comments and suggestions are to strike the language added in the proposed revision as it is somewhat vague regarding “evidence” and the 25% of 25% is more specific to conservancy districts.



---

Gerry Geis made a motion to strike the additional language added in August 2016 in Chapter III B. 1. Clinton Glick seconded the motion. Discussion followed to be sure we discuss this at the special meeting in October 2017. The motion carried unanimously.

**Chapter III B. 1. c. – 4** staff comments and suggestions are to put a specific time frame in the language concerning replacement costs paid by the sponsor without using WWDC funds. Staff recommends a time frame of 10-15 years.

Karen Budd-Falen made a motion to retain the proposed revisions and also add in the last 10 years to item i. Nick Bettas seconded the motion; motion carried unanimously.

**Chapter III B. 1. c. v. –** Staff suggests deleting romanette v. "Funding that the sponsor anticipates to contribute to the project." Staff suggests often times the costs are unknown at the time of application, and often Sponsor's don't necessarily have a choice in how much they contribute to the project.

Karen Budd-Falen made a motion to strike all of the added proposed language in Chapter III B. 1. c. v. Jeanette Sekan seconded the motion. The motion carried unanimously.

**Chapter III B. 1. d. –** Staff suggests deleting the proposed language as a map requirement already exists and the language is too broad and not specific. The term "surrounding area" is vague and needs definition. Discussion followed and the following language was developed: A map of the area proposed to be included in the Level I study. If the study is of a domestic or municipal nature, such map shall also include the surrounding areas which could be developed.

Clinton Glick made a motion to accept the proposed language, Jeanette Sekan seconded the motion. The motion carried unanimously.

**Chapter III B. 1. e. –** Regional consideration – Discussion followed and proposed language changes were developed: If a study is of a domestic nature a description of whether completion of a regional study had been considered by the sponsor, and a description of what could be involved in any proposed regionalization and the pros and cons of regionalization.

Nick Bettas made a motion to make the proposed language changes. Jeanette Sekan seconded the motion. The motion carried unanimously.

**Chapter III B. 2. c. –** WWDO project manager compiles a list of WWDC proposed.....Discussion followed. The following language was developed and proposed: The WWDO project manager shall compile a list of all newly proposed

---

studies that could be considered for completion of a regional study with the proposed project.

Kellen Lancaster made a motion to approve the proposed revised language. Jeanette Sekan seconded the motion; motion carried unanimously.

**Chapter III B. 2. d. – Map requirement –** Staff felt this requirement was redundant and should be deleted.

Clinton Glick made a motion to delete item d. Karen Budd-Falen seconded the motion. The motion carried unanimously.

**Chapter III B. 2. e. –** Staff again suggests this is already provided in the recommendation, amongst other places. It was suggested to add “pertinent to the proposed project.

Karen Budd-Falen made a motion to change item e. to: A list of all past Level I, Level II and Level III projects, including completion dates or proposed completion date for the project area by the WWDC *pertinent to the proposed project.* Rodney Wagner seconded the motion. The motion carried unanimously.

**Chapter III B. 2. f. –** Staff suggests striking this item as this is unnecessary for municipal type projects and this could be a difficult task to complete.

Clinton Glick made a motion to strike item f. Gerald Geis seconded the motion; motion carried unanimously.

**Chapter III B. 3. d. –** Discussion regarding the change from 2,000 acres to 1,000 acres. No changes to the proposed operating criteria revisions were voted on.

**Attachment III Program Priorities Water Development Account I –** Staff suggests having Watershed studies high on the list might preclude the commission from funding other planning and construction projects. The table will be left as #3 for now, but will be reworked at a later date.

Commissioner Bettas left the meeting at 7:24pm

Karen Budd-Falen expressed her gratitude to the staff for submitting and compiling thoughtful comments of the proposed revisions.

**Attachment III Program Priorities Water Development Account II –** Senator Hicks suggested switching the first priority: Level III rehabilitation of existing irrigation canals with the second priority: Level III rehabilitation of water diversion or control structures.



---

Clinton Glick made a motion to make the priority list change as suggested by Senator Hicks. Karen Budd-Falen seconded the motion. The motion carried unanimously.

**16. Consideration of proposed revisions to Operating Criteria regarding revised planning projects schedule and alternative construction delivery methods**

Karen Budd-Falen made a motion to table this until the October 2017 special meeting, Kellen Lancaster seconded the motion. The motion carried unanimously.

**17. Update of Level III Construction Projects**

Bryan Clerkin gave an update on the following Level III Construction Projects:

- Casper Zone 3 Improvements
- Central Wyoming Elevated Tank
- Cheyenne Southern Pipeline Phase III
- Kaycee Replacement Tank
- Meeteetsee Tank / SCADA / Retrofit
- Rolling Hills Water Supply
- Sundance PRV improvements
- Sundance Transmission Pipeline

**18. Review and recommendations for Reservoir O&M Accounts**

Director LaBonde reviewed and briefed the Commission and Select Water Committee on the financial projections of 7 Reservoir O&M accounts. Statutorily the Commission shall annually review the accounts and determine if any contain excess funds which is to be reported to the Joint Ag and JAC.

The Director's conclusion and recommendation is there are no excess funds at this time.

Rodney Wagner made a motion to approve the Director's recommendation. Larry Suchor seconded the motion. The motion carried unanimously.

**19. Discussion**

- No discussion

**20. Future Meeting Schedule**

- 
- Next regularly scheduled meeting is November 1-3, 2017 in Casper, WY. There will be a special meeting scheduled in October 2017 at the discretion of the WWDC Chairman and WWDO Director. The proposed meeting schedule was provided to the SWC and WWDC for their consideration.

## **21. Select Water Committee items for Discussion**

- Senator Larry Hicks discussed 3 potential bills to be drafted prior to the November meeting.
  - Remove the \$135,000.00 cap for SWPP projects
  - ISF costs for feasibility studies to be paid by WGFD rather than WWDC
  - Remove caps for Design Build projects

Also consider reviewing subdivision statutes requiring them to demonstrate adequate water supply for all potential taps in the subdivision.

Senator Meier suggested looking into minimum pools and costs for Reservoir O&M, making sure they are equal and the responsibility of the WGFD is outlined.

Senator Meier thanked the Commission for taking the time to go through the public comments on the Rules and Operating Criteria.

Motion to adjourn at 8:10pm

Respectfully submitted,



David Evans, Acting Secretary