Wyoming Water Development Commission Meeting
Water Development Office, 6920 Yellowtail Rd.
Cheyenne, Wyoming
March 20, 2020

****** Due to COVID-19, the March 19, 2020 Workshop was cancelled. This meeting was held by teleconference with 1 commissioner attending in person.

1. Director Gebhart called the meeting to order at 8:30 a.m. He suggested that since this meeting was a little unusual regarding the circumstances involving COVID-19, that Ron Kailey and himself run the meeting.

2. Roll Call – Recognition of Members present to establish a quorum
   Commission attendance:
   Larry Suchor, Chairman, via phone
   Kellen Lancaster, Vice Chairman, via phone
   Mike Purcell, Secretary, via phone
   Gerry Geis, via phone
   Clinton Glick-absent
   Ron Kailey
   Mark Kot, via phone
   Sheridan Little, via phone
   Rodney Wagner, via phone
   Bill Yankee, via phone

   Advisors in Attendance:
   Andrew Kuhlmann, Attorney General's Office

3. **Audience Introduction**

4. **Election of Officers**
   Bill Yankee made a motion to table this item until the May meeting.

   Rodney Wagner seconded the motion. The motion carried unanimously.

   Director Gebhart asked for commission approval to designate Ron Kailey and Rodney Wagner as signatories regarding the contracts approved at this meeting.

   Larry Suchor made a motion to approve Ron and Rodney as signatories. Kellen Lancaster seconded the motion. The motion carried unanimously.

5. **Approval of Minutes**
   Mike Purcell made a motion to approve all provided minutes:
   - January 8, 2020-Workshop
   - January 9, 2020-Meeting

Bill Yankee seconded the motion. The motion carried unanimously.

6. **Legislative Update – Director Gebhart and Steve Wolff, State Engineer's Office**
    - HB 1/SF 1 General Government Appropriations – The state budget bill was discussed. An amendment which sought to remove the Board of Control out of Water Development Account 1 was at first approved, then overturned on subsequent reading.

    - HB 51 Professional Services Procurement – Amendments
      One of the major impacts to Water Development pertaining to this bill was that it changed the way Water Development gives priority consideration Resident verses Non-Resident Firms for Consultant Selection – Passed

    - HB 81 Emergency Water Projects Account- Out of the 5 million dollars designated for seed money to fund the Emergency Water Projects Account, 2.5 million will come from Water Development Account I and the other 2.5 million will come from the Strategic Investments and Projects Account – Passed.

    - HB 97 Omnibus Water Bill – Construction –Goshen Irrigation District was amended into the bill for $200,000 for the planning, permitting and design associated with the tunnel collapse. Sundance Tank was part of the Original Omnibus Water Bill for Construction so was not an amendment. Approximately $202,000 was removed from the rehab. account and was added to the Small Water Budget. Another item amended into the construction bill had to do with a prior appropriation for the West Fork Reservoir. This was a 2018 appropriation for 4.7 million. Beneficiaries in the basin have recently secured a 1.25 million grant from the federal government and would like to begin work on West Fork with that grant money. The language in the amendment says that 1.25 million can be used for both Wyoming and Colorado pro rata shares to meet funding obligations under the original appropriation. The conference committee elected to not free up the entire appropriation of 4.7 million, but to free up a one-to one match on the federal grant. Out of the original appropriation, 1.25 million was freed up to match the 1.25 million in federal grant – Passed

    - SF 61-Omnibus Water Bill – Planning- Deleted the Sheridan Municipal WS Wildfire Hazard Mitigation Assessment, Phase II Project. The amount for this project was $120,000. The intent of this amendment was to have Director Gebhart and the State Forrester meet to see if these types of projects can be done more efficiently. Basically, it put this project on a one-year hiatus. If after the efficiency issues have been researched and it is determined that the best way to conduct the project is through the Water Development Program, language was created in the bill that says the

Commission can reissue this contract with the existing contractor without legislative action or additional bidding requirements.
Also deleted was one of the UW Research Program Projects, *Robust-Low Cost, Snow Depth Measurements and High-Resolution Modeling to Improve Water Supply Forecasting in Wyoming.*

Finally, the requirement that sponsors pay 10% share of level I & II planning studies was removed in conference committee – Passed.

- SF 75 Instream Flow Application Process – Failed
- HB 58 – State Engineer List of Approved Flumes –Failed
- SF 74 Permit Not Required for using a De Minimis Amount of Water –Failed
- SF 95 Wyoming Colorado River Committee – Failed

Interim Topics – Director Gebhart provided information regarding interim subjects brought up during this legislative session. Those topics included re-evaluating application fees for planning projects, capping the amount for projects within the Small Water Program or changing its criteria, and aging infrastructure. He added there is a push from the legislature to take a hard look at application fees for planning projects and if not addressed, will most likely be legislated in again next session.

7. New Level I and II Project Applications

Water Development received 13 project applications. Barry Lawrence, Planning Deputy Director, stated that project managers are busy working on project recommendations and those will be finalized and provided to the commission at the May meeting.

8. Location of the 2020 Summer Tour/Meeting

The Wheatland, Douglas, Torrington area was selected as the location for the 2020 Summer Tour/Meeting to take place August 12-14, 2020.

9. Planning Closeout Memos

- *Bedford Master Plan, Level I*

  Director Gebhart provided a brief summary of project findings and final project costs. Kellen Lancaster moved acceptance of the Bedford Master Plan, Level I project report as being complete and further, the WWDC makes the following findings relative to this project:

  1. That the Commission recommend:
     Proceeding to the next Level of project development upon the submittal of an appropriate funding application by the sponsor. Rodney Wagner seconded the motion. The motion carried unanimously.

- *Big Piney 1-R Well*
  Director Gebhart provided a brief summary of project findings and final costs. Mike Purcell moved acceptance of the Big Piney 1-R Well Ground Water Exploration Grant project report as being complete. Larry Suchor seconded the motion. The motion carried unanimously.

- *Big Sandy Watershed Study, Level I*
  Director Gebhart provided a brief summary of project findings and final costs. Ron Kailey moved acceptance of the Big Sandy Watershed Study, Level I Study report as being complete and further, the WWDC makes the following findings relative to this project:
  1. That the Commission recommend:
     Proceeding to the next Level of project development upon the submittal of an appropriate funding application by the sponsor. Bill Yankee seconded the motion. The motion carried unanimously.

- *Guernsey Golf Course Well*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the Guernsey Golf Course Well Ground Water Exploration Grant project report as being complete. Bill Yankee Seconded the motion. The motion carried unanimously.

- *Horse Creek Watershed Study, Level I*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the Horse Creek Watershed, Level I Study as being complete and further, the WWDC makes the following findings relative to this project:
  1. That the Commission recommend:
     Proceeding to the next level of project development upon the submittal of an appropriate funding application by the sponsor. Mike Purcell seconded the motion. The motion carried unanimously.

- *Little Snake River Valley Municipal Water Supply, Level II*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the Little Snake River Valley Municipal Water Supply, Level II project report as being complete and further, the WWDC makes the following findings relative to this project:
  1. That the Commission recommend:
     Proceeding to the next level of project development upon the submittal of an appropriate funding application by the sponsor.
  2. Based on the findings in the final report, the project is determined to be in the public interest.
  3. The project functions and services cannot realistically be provided by any person, association or corporation engaged in private enterprise. Mark Kot seconded the motion. The motion carried unanimously.

- *Lower Laramie River Watershed Study, Level I*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the Lower Laramie River Watershed Study, Level I project report as being complete and further, the WWDC makes the following findings relative to the project:
  1. That the Commission recommend:
     Proceeding to the next Level of project development upon the submittal of an appropriate funding application by the sponsor. Rodney Wagner seconded the motion. The motion carried unanimously.

- *Popo Agie Watershed Study, Level I, Phase II*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the Popo Agie Watershed Study, Level I, Phase II project report as being complete and further, the WWDC makes the following findings relative to this project:
  1. That the Commission recommend:
     Proceeding to the next Level of project development upon the submittal of an appropriate funding application by the sponsor. Larry Suchor seconded the motion. The motion carried unanimously.

- *Powder/Tongue/Northeast River Basins Water Plan Study, Level I*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the Powder/Tongue/Northeast River Basins Water Plan Update Groundwater Study as being complete and further, the WWDC makes the following findings relative to this project:
  1. That the Commission recommend
     Proceeding to the next Level of project development upon the submittal of an appropriate funding application. Bill Yankee seconded the motion. The motion carried unanimously.

- *Saratoga Water Master Plan, Level I*
  Director Gebhart provided a brief summary of the project findings and final costs. Ron Kailey moved acceptance of the of the Saratoga Water Master Plan, Level I Study project report as being complete and further, the WWDC makes the following findings relative to the project:
  1. That the Commission recommend:
     Proceeding to the next Level of project development upon the submittal of an appropriate funding application by the sponsor. Larry Suchor seconded the motion. The motion carried unanimously.

10. Planning Amendments

- *LaPrele Irrigation District Rehabilitation, Level II, Phase II, Amendment Two*
  Director Gebhart stated that presently Water Development is working through the scope negotiations with the consultant and indicated there wasn't sufficient enough time to finalize the scope and put the amendment together prior to the

meeting. He asked the commission to authorize Water Development to continue to develop the scope, complete the amendment once those negotiations are finalized, and have commission approval of the amendment without the exact details of the scope being finalized. The requested appropriation amount was $650,000. Discussion followed

Mike Purcell made a motion to authorize Water Development to continue to develop the scope and finalize the amendment not to exceed $650,000. Rodney Wagner seconded the motion. Motion carried unanimously.

- *Nowood River Storage Level II, Amendment Six*
  An interim amendment to the engineering contract with Trihydro Corporation was presented. The amendment serves to extend the current contract expiration date with Trihydro from March 31, 2020 to June 30, 2021 to allow the feasibility analysis of an enlargement to Meadowlark Lake to be completed.

  Mike Purcell made a motion to approve the amendment. Mark Kot seconded the motion. Motion carried unanimously.

11. 2020 Planning Projects Contracts

Director Gebhart said the 2020 Planning Projects Contracts approval would be contingent upon the Governor's signature of the planning bill. He said if there were no conflicts with any of the projects he would recommend approving them as a block.

Larry Suchor made a motion to approve all of the 2020 Planning Projects Contracts as a block. Rod Wagner seconded the motion. The motion carried unanimously.

12. Groundwater Grant Recommendation and Contract

- Torrington Well No. 16 -

This well would supplement the city in an emergency situation and has acquired an acceptable review by the State Engineer's Office.

Bill Yankee made a motion to approve the Groundwater Grant Recommendation and Contract. Larry Suchor seconded the motion. The motion carried unanimously.

13. UW Water Research Program MOU

Director Gebhart said that one of the two projects under the UW Research Program was removed during the Legislative Session and funding for the remaining project is $243,888.

Larry Suchor made a motion to approve funding in the amount of $243,888 for the UW Water Research Program. Bill Yankee seconded the motion. The motion

carried unanimously. The action is contingent on the Governor signing the planning bill.

14. Small Water Project Program – Funding Applications

Mike Purcell made a motion to approve all eligible Small Water Project Program applications. Larry Suchor seconded the motion. The motion carried unanimously

15. 2020 Construction Project Agreements – Account I

Director Gebhart asked if there were any conflicts with any of the 2020 Construction Project Agreements for Account I, and if not, he recommended they be approved as a block.

- Big Horn Regional Transmission 2020
- Cheyenne Transmission, Pump Station & Tank 2020
- Gillette Regional Extensions – Phase V 2020
- Glenrock Transmission Pipeline 2020
- Guernsey Transmission Pipeline 2020
- Newcastle Water System Improvements 2020
- Northwest Rural Water System Improvements 2020
- Sheridan Area Water Supply Transmission 2020

Bill Yankee made a motion to approve all of the 2020 Construction Project Agreements – Account I as a block. Larry Suchor seconded the motion. The motion carried unanimously.

16. 2020 Construction Project Agreements – Account II

Director Gebhart asked if there were any conflicts with any of the 2020 Construction Project Agreements for Account II, and if not, he recommended they be approved as a block.

- Big Horn Canal ID Wasteway/Check Replacement 2020
- Cottonwood Irrigation District Transmission Pipeline 2020
- Deaver ID Frannie Canal Drop Chute #1 2020
- Dry Creek Irrigation District Transmission Pipeline 2020
- Eden Valley I&DD Farson Lateral 2020
- Enterprise WID Canal Lining 2020
- Kirby Ditch ID Pipeline 2020
- Laramie Valley Diversion Structure 2020
- Savery-Little Snake River WCD Savery Creek Diversion 2020
- Sidon ID Sidon Canal 2020

Bill Yankee declared a conflict of interest regarding the Enterprise WID Canal Lining 2020 project agreement, and Kellen Lancaster declared a conflict of interest regarding the Dry Creek Irrigation District Transmission Pipeline 2020 project agreement.

Mike Purcell made a motion to approve the block minus the Dry Creek Irrigation District Transmission Pipeline 2020 project agreement and the Enterprise WID Canal Lining 2020 project agreement both for account II. Kellen Lancaster seconded the motion. The motion carried unanimously.

Larry Suchor made a motion to approve the Enterprise WID Canal Lining 2020 project agreement. Sheridan Little seconded the motion. Motion carried with Bill Yankee having recused himself.

Larry Suchor made a motion to approve the Dry Creek Irrigation District Transmission Pipeline 2020 project agreement. Mike Purcell seconded the motion. The motion carried with Kellen Lancaster having recused himself.

17. 2020 Construction Project Amendments

- Arapahoe Pipeline and Tank
- Casper Zone II 2015
- Gillette Madison Pipeline
- Goshen Irrigation District
- GR/RS/SC Raw Water Reservoir
- Lander Storage Tanks and Pump Station 2019
- Laramie North Side Tank
- Leavitt Reservoir Expansion
- Lower Nowood Rural Water Supply
- Riverton Water Supply
- Sheridan Supplemental Storage
- Sundance Tank
- Wheatland ID Tunnel Dam Rehabilitation 2019
- Wind River Irrigation Rehabilitation 2015

Director Gebhart stated that 2 projects in this block, Goshen Irrigation District and Sundance Tank are listed as project amendments but essentially will not become amendments. He added that in discussion with the AG, and because of the way the legislation was written, he feels we can proceed with payment to those two entities without a formal agreement.

Larry Suchor made a motion to approve the block of 2020 Construction Project Amendments minus the Goshen Irrigation District and the Sundance Tank. Mike Purcell seconded the motion. The motion carried unanimously.

Mike Purcell made a motion to authorize the commission to allow the Water Development Office to proceed with the transfer of funds to the Goshen Irrigation District and Sundance Tank in the amount of the appropriations with sufficient documentation to ensure that we're relieved of any future obligations relating to

that appropriation. Larry Suchor seconded the motion. The motion carried unanimously.

18. Basin States Salinity Control – Applications

No applications were received.

19. Future Meetings Schedule

The next meeting will be held May 14-15, 2020. This is a joint meeting with WWDC and SWC and will be held in Cheyenne.

20. Discussion

Director Gebhart stated the Water Development office received an RFP from the Idaho Groundwater Appropriators. He said there is an existing contract with this group to lease water from the Palisades account. The RFP is asking that Water Development propose a new lease agreement, but Director Gebhart's proposal is to extend the existing contract. He added this does not need commission approval as the lease agreement is with the office, but was provided to them as information only.

Mike Purcell said that we may be facing a situation where revenues will start to diminish and that discussions regarding criteria and spending will need to happen in order to determine how to proceed in the future.

Director Gebhart said that in regard to the state's response to COVID-19, offices will most likely remain open but would operate with skeleton crews only, and the majority would begin working remotely.

The meeting adjourned at 10:16 a.m.

Respectfully submitted,

Mike Purcell, Secretary