
Wyoming Water Development Commission Meeting
Water Development Office, 6920 Yellowtail Rd.
Cheyenne, Wyoming
October 9, 2020

1. Chairman Kellen Lancaster called the meeting to order at 8:30 am. The Pledge of Allegiance was recited.

- 2. Roll Call – Recognition of Members Present**

Commissioners in Attendance:

Kellen Lancaster, Chairman
Clinton Glick, Vice-Chairman
Ron Kailey Jr., Secretary
Gerry Geis, via phone
Mark Kot
Sheridan Little
Mike Purcell
Larry Suchor
Rodney Wagner
Bill Yankee

Advisors in Attendance:

Andrew Kuhlmann, Attorney General's Office
Darren Cook, Attorney General's Office

- 3. Audience Introductions**

- 4. Announcements**

Director Brandon Gebhart announced the replacement of Senior Assistant Attorney General Andrew Kuhlmann, former Advisor to the Commission, with Assistant Attorney General Darren Cook.

Director Gebhart also announced the WWDO River Basin Planning team as recipients of the 2020 ESRI Special Achievement in GIS (SAG) Award. River Basin Planning Supervisor Jodee Pring elaborated on the team's award-winning project and recognized individual team members who contributed to its success.

- 5. Approval of Minutes**

Commissioner Larry Suchor made a motion to approve the minutes of the August 13th and 14th, 2020 Workshop and Meeting. Commissioner Bill Yankee seconded the motion; the motion carried unanimously.

6. 2021 Planning Projects Consultant Selection Approval

- *Big Horn Regional Transmission, Level II*

Commissioner Ron Kailey made a motion that the Director be instructed to begin contract negotiations with DOWL for consulting services on the Big Horn Regional Transmission, Level II Project with a recommended appropriation of \$146,000.00.

Further, the Selection Committee offered the following suggestions to the Director during contract negotiations:

1. Accept Scope Alterations;
3. System GIS;
5. Environmental Review; and
6. Financial Model at no additional cost to the project.

The motion was seconded by Commissioner Mike Purcell; the motion carried unanimously.

- *Byron Rural Water Supply, Level II*

Commissioner Kailey made a motion that the Director be instructed to begin contract negotiations with DOWL for consulting services on the Byron Rural Water Supply, Level II Project with a recommended appropriation of \$127,000.00.

The motion was seconded by Commissioner Yankee; the motion carried unanimously.

- *Gillette Water System Improvements, Level II*

Commissioner Sheridan Little made a motion that the Director be instructed to begin contract negotiations with Morrison Maierle for consulting services on the Gillette Water System Improvements, Level II Project with a recommended appropriation of \$150,000.00.

The motion was seconded by Commissioner Kailey; the motion carried unanimously.

- *Highland Irrigation District Master Plan, Level I*

Commissioner Little made a motion that the Director be instructed to begin contract negotiations with AVI for consulting services on the Highland Irrigation District Master Plan, Level I Project with a recommended appropriation of \$192,000.00.

The motion was seconded by Commissioner Rodney Wagner; the motion carried unanimously.

- *Hoback River Watershed Study, Level I*

Commissioner Yankee made a motion that the Director be instructed to begin contract negotiations with Rio Verde Engineering for consulting services on the Hoback River Watershed Study, Level I Project with a recommended appropriation of \$277,000.00.

Further, the Selection Committee offered the following suggestions to the Director during contract negotiations:

1. Accept Scope Alteration 1. Map irrigated lands regardless of adjudicated flow at no additional cost to the project.

The motion was seconded by Commissioner Suchor; the motion carried unanimously.

- Lander Ditches Rehabilitation, Level II

Commissioner Yankee made a motion that the Director be instructed to begin contract negotiations with HDR for consulting services on the Lander Ditches Rehabilitation, Level II Project with a recommended appropriation of \$242,000.00.

Further, the Selection Committee offered the following suggestions to the Director during contract negotiations:

1. Utilize existing data, owned by the City of Lander, collected via drone technology to determine extent of ditches and system deficiencies at no additional cost.
2. Accept Scope Alteration 2. Include additional in-depth stakeholder outreach including meetings, workshops, one-on-one, and online engagement. Develop technical outreach materials and strategies to ensure stakeholder participation as well as understanding of project opportunities and rehabilitation recommendations. Level of effort to be negotiated, but not to exceed \$30,000.00.

The motion was seconded by Vice-Chairman Clinton Glick; the motion carried unanimously.

- Lander Water Master Plan, Level I

Vice-Chairman Glick made a motion that the Director be instructed to begin contract negotiations with HDR for consulting services on the Lander Water Master Plan, Level I Project with a recommended appropriation of \$200,000.00.

Further, the Selection Committee offered the following suggestions to the Director during contract negotiations:

1. Accept Scope Alteration 1. Drone survey of Worthen Meadows Reservoir at a cost of \$4,000.00.
2. Accept Scope Alteration 2. Cost savings if firm is selected for both the Water Master Plan and the Lander Ditches Projects at a savings of \$8,100.00.

The motion was seconded by Commissioner Yankee; the motion carried unanimously.

- Little Snake River Valley Water Supply Phase II, Level II

Commissioner Purcell made a motion that the Director be instructed to begin contract negotiations with Wenck Associates for consulting services on the Little Snake River Valley Water Supply Phase II, Level II Project with a recommended appropriation of \$163,000.00.

Further, the Selection Committee offered the following suggestions to the Director during contract negotiations:

1. Include a Discretionary Task in the amount of \$15,000.00.
2. Accept Scope Alteration 4. Inspect the Town of Dixon's water storage tank in the amount of \$2,800.00.

The motion was seconded by Commissioner Wagner; the motion carried unanimously.

- *Nordic Ranches Water Master Plan, Level I*
Commissioner Mark Kot made a motion that the Director be instructed to begin contract negotiations with Forsgren Associates for consulting services on the Nordic Ranches Water Master Plan, Level I Project with a recommended appropriation of \$63,000.00.

The motion was seconded by Commissioner Little; the motion carried unanimously.

- *Rock Creek & Trail Ridge Creek Instream Flows, Level I*
Commissioner Wagner made a motion that the Director be instructed to begin contract negotiations with Arrow, Land & Water for consulting services on the Rock Creek & Trail Ridge Creek Instream Flows, Level I Project with a recommended appropriation of \$20,000.00.

The motion was seconded by Commissioner Purcell; the motion carried unanimously.

- *Upton Water Master Plan, Level I*
Commissioner Suchor made a motion that the Director be instructed to begin contract negotiations with Bearlodge Engineering & Surveying for consulting services on the Upton Water Master Plan, Level I Project with a recommended appropriation of \$153,000.00.

The motion was seconded by Clinton Glick; the motion carried unanimously.

- *Wheatland Water Master Plan, Level I*
Commissioner Wagner made a motion that the Director be instructed to begin contract negotiations with Civil Engineering Professionals, Inc. for consulting services on the Wheatland Water Master Plan, Level I Project with a recommended appropriation of \$125,000.00.

The motion was seconded by Commissioner Kailey; the motion carried unanimously.

7. Planning Amendment

- Lander Test Well, Level II, Amendment No. 1
An amendment to the Consultant Contract with Wyoming Groundwater, LLC was presented. The amendment would extend the Contract expiration date an additional twelve months.

Commissioner Suchor made a motion to approve the Lander Test Well, Level II, Amendment No. 1. Commissioner Wagner seconded the motion; the motion carried unanimously.

8. Planning Closeout Memo

- Platte Alliance Water Supply (PAWS), Level II Study
Director Gebhart briefly described the Study and made a recommendation for the project to continue, but without funding from the WWDO.

Commissioner Wagner made a motion to accept the Platte Alliance Water Supply (PAWS), Level II Study as complete and further, the Commission makes the following findings relative to this project:

1. That the Commission recommend to continue the study at the presently authorized level of activity.
2. Based on the finding 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.

Commissioner Little seconded the motion; the motion carried unanimously.

9. Ground Water Exploration Grant Recommendation and Contract

- Town of Cokeville Groundwater Exploration Grant
Director Gebhart introduced a request made by the Town of Cokeville for a 75 percent grant in the amount of \$209,000.00 to develop a new well (Well No. 4). The new well will replace existing Well No. 2, which was determined by the Environmental Protection Agency (EPA) to be under the influence of surface water.

Commissioner Purcell made a motion to approve the Contract for the Town of Cokeville Groundwater Exploration Grant. Sheridan Little seconded the motion; the motion carried unanimously.

10. GR/RS/SC JPB Ten Mile Water & Sewer District Transfer

- GRS/RS/SC Joint Powers Board Transfer Request

Director Gebhart introduced a request to transfer a portion of the Green River/Rock Springs/Sweetwater County Joint Powers Board [Board] water system (constructed under WWDO funding) to the Ten Mile Water and Sewer District.

Director Gebhart added that the loan portion of the project has been repaid, the mortgage has been released, the attorneys have reviewed and approve of the agreement between the Board and the District.

As such, Director Gebhart recommended to decline the State's option for first right of refusal and authorize the Director the ability to provide written approval, on behalf of the Commission, to transfer the infrastructure to the District in accordance with W.S. § 99-3-103(a)(xii).

Commissioner Kot made a motion to accept the recommendation. Commissioner Purcell seconded the motion; the motion carried unanimously.

11. Emergency Water Project Rules Update

Director Gebhart provided an update on the Emergency Water Project Rules previously agreed upon by the Commission. The Rules did not receive any public comments during the public comment period. Thus, the Commission was advised to adopt the Final Rules as presented and approve a short extension of the Emergency Rules to carry over until the Final Rules' enactment process is complete.

Vice-Chairman Glick made a motion to adopt the Final Rules and approve an extension of the Emergency Rules. Commissioner Kot seconded the motion; the motion carried unanimously.

Commissioner Purcell rekindled the discussion with a question about whether or not system failure should be a prerequisite for action. Chairman Lancaster similarly expressed concern over the reactionary versus preventative nature of these rules.

12. Aging Infrastructure Discussion

Director Gebhart segued the previous discussion into the topic of aging infrastructure. He introduced a concept that would add or amend an existing program to address the issue. The program would revolve around a statewide survey that collected information from irrigation entities about infrastructure deficiencies. Survey information would be used to develop a prioritized list of facilities that would be addressed in order of criticality.

Commissioner Bill Yankee commended the proactive nature of this data collection method in comparison to the more reactionary application-only method.

13. Water Development Program Priorities

Director Gebhart introduced a list of Water Development project and program priorities from all accounts (I, II, and III) that were ranked in order of priority.

The topic was dismissed until the November Meeting. In the meantime, Chairman Lancaster prompted any Commissioner with a concern to contact Director Gebhart independently.

14. Operating Criteria Update

Director Gebhart gave a brief update on the Operating Criteria changes that were enacted during the August Meeting. The public comment period was set to expire the following day, Saturday, October 10; the changes had not yet received any comments. The Commission was notified that the changes would likely appear in the November Meeting as a motion item.

15. Small Water Program Discussion

Program Manager Jodie Pavlica presented pros and cons to several selection method alternatives that could be used in the instance of a funding shortage within the Small Water Program.

Alternatives included: drawing an even priority cutoff, requiring projects to submit “shovel ready” applications, geographically spacing projects out across the state, prioritizing applications based upon the Sponsor’s current level of activity, self-reported priority by the Sponsor, consideration of other funding sources available to the Sponsor, and current funding commitment to each applicant/Sponsor.

16. Application Fee Discussion

Director Gebhart reintroduced the topic of planning study application fees. He put forth a recommendation to raise the current \$1,000.00 application fee to \$3,500.00.

Commissioner Little expressed concern over the inability of smaller entities to meet this application requirement, and potential increases in Sponsor demands as a result. Likewise, Commissioner Purcell reminded the Commission of the original intention of the application fee, i.e. not to serve as a revenue source but to evoke greater commitment from Sponsors.

The topic was dismissed until the November Meeting.

17. Construction Progress Reports

Deputy Director Bryan Clerkin presented the following Construction progress reports:

ACCOUNT I

- Construction Phase
 - Etna Storage Tank 2019
 - Lower Nowood Rural Water Supply
 - Sundance Tank 2018
- Closeout Phase
 - Cambria Tank
 - Deaver Transmission Pipeline
 - Lusk Water System Improvements 2018
 - Pine Haven Well and Tank
 - Sweetwater Water Supply

ACCOUNT II

- Construction Phase
 - Big Horn Canal Irrigation District Wasteway/Check Replacement 2020
 - Cokeville Tri-Diversion Structure
 - Hanover Irrigation District Cottonwood Spill/Check Replacement 2018
 - Midvale Irrigation District Rehabilitation 2019
- Closeout Phase
 - Dry Creek Irrigation District Rehabilitation 2019

Commissioner Purcell commented on the interesting range of bids given the engineers' cost estimates. He also noted the number of projects that were completed under budget, resulting in reversions to WWDC Accounts. Director Gebhart subsequently recognized Deputy Director Clerkin and other Construction staff for their responsible oversight of projects.

18. Discussion

- LaPrele Update
The Project team recently presented a list of alternatives and are close to selecting a preferred alternative. There may be a request for additional funding in the near future.
- Lake Hattie Update
The Sponsor is in mediation with opposing parties. Office staff are in the process of developing a study scope that could go into effect should the Sponsor be able to enter into an amicable agreement with opposing parties.
- Fontenelle Update
Several entities hold contracts to lease water from Fontenelle Reservoir, each a little different. The Office wishes to develop a standardized template that will assist with future agreements.

19. Future Meetings Schedule

The annual November Meeting traditionally held in Casper, Wyoming will now be conducted as a hybrid meeting with an in-person component for Commissioners in Cheyenne, Wyoming.

The draft meeting schedule for 2021 was presented without further discussion.

Commissioner Kailey motioned to adjourn the meeting. Commissioner Little seconded the motion; the motion carried unanimously.

Respectfully submitted,

Ron Kailey, Jr., Secretary