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**Wyoming Water Development Commission/Select Water Committee  
Joint Meeting  
Douglas, Wyoming  
August 13, 2021**

1. Chairman Clinton W. Glick called the meeting to order at 8:30 a.m.
2. The pledge of allegiance was recited.
3. **Recognition of Members Present to Establish Quorum** – Secretary Ron Kailey and LSO Research/Evaluation Administrator Abigail Boudewyns.

Commission Attendance:

Clinton W. Glick, Chairman  
Bill Yankee, Vice-Chairman  
Ron Kailey, Jr., Secretary  
Liisa Anselmi-Dalton  
Robert Choma – Excused  
Leonard A. “Lee” Craig  
Mark Kot  
Sheridan Little  
Larry Suchor

Select Water Attendance:

Sen. Larry Hicks, Vice-Chairman  
Sen. Brian Boner – Excused  
Sen. Ogden Driskill – Excused  
Sen. Tim French  
Sen. Mike Gierau – Excused  
Sen. Cheri Steinmetz  
Rep. Evan Simpson, Chairman  
Rep. Chad Banks  
Rep. John Eklund  
Rep. Dan Laursen  
Rep. Chip Neiman  
Rep. Jerry Paxton

Advisor Attendance:

Darren Cook, Attorney General’s Office  
Greg Kerr, University of Wyoming  
Greg Lanning, State Engineer’s Office

**4. Approval of Minutes**

Commissioner Larry Suchor made a motion to approve the minutes of the May 12, 2021 Special Meeting and May 13, 2021 Joint Meeting. Commissioner Ron Kailey seconded the motion; motion carried unanimously.

**5. Planning Closeout Memo**

- *Cheyenne Municipal Storage, Level II, Phase I*

Project Manager Andrew Linch provided an overview of the Cheyenne Municipal Storage, Level II, Phase I Study. Demand projections revealed that an additional 3,000-10,000 acre-feet will be needed within the next 50 years. If implemented, the results from this study would satisfy the low-growth projection for the City of Cheyenne.

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Representative John Eklund inquired about Belvoir Ranch, originally purchased by the City of Cheyenne for its water. He was curious if the water available on that Ranch could be developed and used to satisfy Cheyenne's growing demand. He asked Linch to look into the matter.

Commissioner Liisa Anselmi-Dalton moved acceptance of the Cheyenne Municipal Storage project report as being complete and further, made the following findings relative to this project:

1. That the Commission recommend proceeding to Level III of project development upon 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.

Commissioner Bill Yankee seconded the motion; motion carried unanimously.

## **6. Groundwater Exploration Grant Contract Amendment**

- *Jackson Zone 3 Well Groundwater Grant Project (2020)*

Director Brandon Gebhart explained the request made by the Town of Jackson for an additional \$173,250 in funding to cover unanticipated aquifer testing water disposal costs, changing the total contract cost from \$101,250 to \$274,500.

Floren Poliseo, Town of Jackson Public Works Department, confirmed that the test water would need to be discharged further away from the site than originally anticipated, requiring additional piping. She also mentioned that the original estimate of \$135,000 was determined prior to COVID, and that project costs have since increased.

Project Manager Keith Clarey added that increased drilling and local construction costs need to be accounted for in addition to disposal of the test water.

Project Engineer Philip Gyr also commented that the site's location in a city park is going to disturb landscaping and irrigation, again adding to project costs, in addition to the extra quarter-mile of piping that will need to cross two roads in order to remove the test water.

Senator Hicks questioned if alternatives to piping had been considered, and if so, had a cost analysis been run on those alternatives. Poliseo responded that they had considered discharging to a nearby sewer, but that it was not feasible. The selected

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irrigation ditch is the nearest ditch that could handle the anticipated volume of discharge, and the ditch company has agreed to the arrangement.

Gyr also responded that seepage into an infiltration basin had also been considered, but that the cost of carrying out the irrigation and building an infiltration pond with a dam and embankment, plus rehabilitation, would be equal to the cost of a pipeline.

Director Gebhart suggested two options. One consideration is that the Commission approve the amendment pending that the Office reviews and approves of all prior approvals. The other suggestion is to disapprove of the amendment but allow the Sponsor to proceed without additional funding.

Commissioner Anselmi-Dalton expressed concern over nearly doubling the initial bid. She asks the Commission to proceed with caution.

Vice-chairman Yankee shared a similar concern. He drew attention to the financial information provided by the Town of Jackson, noting that they have \$4,766,359 in their Repair and Replacement Fund.

Commissioner Suchor made a motion to table the additional funding request until the October meeting. Commissioner Anselmi-Dalton seconded the motion.

Discussion pursued. Director Gebhart questioned what would be reconsidered at a future meeting. If the desire is not to grant the requested amount, then he recommends disapproving the amendment now and allowing the Town of Jackson to accept the funds already granted, cancel the project, or cancel the project and reapply at a later date with more accurate cost estimates.

Senator Hicks questioned the expected completion date of this project. Poliseo responded that the anticipated completion of this project would not be until spring of the next building season. Director Gebhart confirmed that this would leave them with enough time to apply for Level III funding.

Commissioners Suchor and Anselmi-Dalton rescinded their motions.

Commissioner Yankee made a new motion to disapprove the amendment. Commissioner Kailey seconded the motion; motion carried seven to one with dissent of Commissioner Kot.

## **7. Small Water Project Program Agreement Amendments**

- *Blackrock Creek Stabilization & Irrigation Improvement, Amendment No. 1*
- *Lower Snake River Ranch Bank Stabilization & Fish Habitat, Amendment No. 2*

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- Spread Creek Irrigation Rehabilitation & Fish Passage, Amendment No. 1

Director Gebhart explained that all three of the proposed amendments were for one-year time extensions only. All delays were related to COVID-19 and subsequent difficulties to procure supplies.

Commissioner Suchor made a motion to approve the amendments. Commissioner Anselmi-Dalton seconded the motion; motion carried unanimously.

## **8. Planning Contract**

- Silver Lake Dam Rehabilitation, Level II Study

The Commission approved a time-extension amendment to this contract in March of 2021. The contract was lost in the mail and was never signed by the Consultant. Per recommendation of the attorneys, a new contract was drafted to replace the old contract, inclusive of a new, later expiration date. No other terms of the contract have changed.

Commissioner Little made a motion to approve the contract. Commissioner Craig seconded the motion; motion carried unanimously.

## **9. Tentative Contingency Account Requests**

- Middle Piney Dam Reconstruction Project

Director Gebhart reviewed the list of anticipated change orders and project amendments, and recommended two options to the Commission. The first option was to approve \$2,725,000 from the Contingency Fund to address the list of potential change orders and project amendments. The second option was to approve a lesser amount to address the list of potential change orders and project amendments anticipated in 2021, then reassess Final Grouting Work funding (in the anticipated amount of \$1,700,000) at a later date.

Representative Simpson clarified how Account III Contingency Funds are managed by the Commission. Account III Contingency Funds have already been appropriated by the Legislature.

Commissioner Suchor made a motion to approve \$1,025,000 from the Account III Contingency Fund to be allocated to the Middle Piney Dam Reconstruction Project to provide funding to address the list of potential change orders and project amendments anticipated in 2021, then reassess Final Grouting Work funding once additional instrumentation and monitoring are complete. Commissioner Little seconded the motion; motion carried unanimously.

Senator Hicks recommended that the Commission amend their motion to reduce the amount allocated toward delays from \$400,000 to \$300,000, bringing the total

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amount from \$1,025,000 to \$925,000. Senator Steinmetz seconded the motion; motion carried unanimously.

Commissioner Suchor amended his motion to authorize the Office to use Contingency Account funds in the amount of \$925,000, with a \$100,000 reduction for potential delay. Commissioner Anselmi-Dalton seconded the motion; motion carried unanimously.

## **10. Operating Criteria**

Director Brandon Gebhart reviewed the proposed changes to the Operating Criteria, including the implementation of a tiered reimbursement schedule and a requirement for compliance with the Department of Audit and the Department of Revenue. After discussion that ensued during the workshop, he proposed new language to read, "The Sponsor must be in compliance with all applicable reporting requirements with the Department of Audit and the Wyoming Department of Revenue prior to release of funds from the WWDO."

Commissioner Anselmi-Dalton made a motion to approve the amendments to the Operating Criteria and waive the public comment period. Commissioner Kailey seconded the motion; motion carried unanimously.

A motion was made by Commissioner Little to change the order of the next two agenda items to allow for workshop action items to be addressed before receiving an update from the State Engineer's Office. The motion was seconded by Commissioner Kailey and carried unanimously.

## **11. Workshop Action Items**

Director Gebhart recommended that the Commission determine that the excess water in Seminoe under the Cheyenne BOPU agreement is no longer needed because the water has not been contracted for in the previous ten years, and allow the Director to enter into an agreement with the City of Cheyenne to terminate the existing contract.

Commissioner Little made a motion to approve the Director's recommendation. Commissioner Anselmi-Dalton seconded the motion; motion carried unanimously.

## **12. Public Comment for Joint WWDC/SWC Items**

Director Gebhart thanked WDO staff for coordinating the previous days tour of LaPrele Dam.

Commissioner Anselmi-Dalton made a motion to adjourn the WWDC portion of the meeting. Commissioner Little seconded the motion; motion carried unanimously.

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**13. SEO Update**

**14. Use of ARPA Funds for Water Projects – SWC Item**

**15. Orphan Water Rights – SWC Item**

**16. Produced Water – SWC Item**

**17. Codification of Wyoming’s Supreme Court Cases Related to the Conveyance of Water Across Property – SWC Item**

**18. Future Meeting Schedule**

**19. Adjournment**

Respectfully submitted,

Ron Kailey, Jr., Secretary