WYOMING WATER DEVELOPMENT COMMISSION

JOINT MEETING/TOUR: WWDC/Select Water Committee
Afton Civic Center: Room 125 (A&B)
150 Washington Street
Afton, WY 83110
Wednesday, August 17, 2022

Meeting Minutes

1. Chairman Mark Kot called the meeting to order at 1:30 p.m.

2. The pledge of allegiance was recited.

3. **Recognition of Members Present to Establish Quorum** – Secretary Liisa Anselmi-Dalton

Commission Attendance:
Mark Kot, Chairman
Ron Kailey, Jr., Vice-Chairman
Liisa Anselmi-Dalton, Secretary
Robert Choma - Excused
Leonard "Lee" Craig
Clinton Glick
John Lawson – Virtual
Sheridan Little – Virtual
Larry Suchor

Advisor Attendance:
Greg Kerr, University of Wyoming
Darren Cook, Attorney General's Office

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

Amending of the Agenda

The original agenda was amended, moving the State Engineer's Office Update to Item #11.

4. **Approval of Minutes (A)**

May 12, 2022 WWDC/SWC Joint Meeting Minutes:

Vice-Chairman Ron Kailey, Jr. moved approval of the minutes for the May 12, 2022 joint meeting. Secretary Liisa Anselmi-Dalton seconded; motion carried unanimously.

5. Financial Overview (B)

Water Development Accounts I, II, & III:

Fiscal Manager David Ray provided an overview of Water Development Accounts I, II, and III. Discussion of the accounts followed.

Reservoir Operations and Maintenance Accounts:

Interim Director Jason Mead presented a memo to the Commission on behalf of the Water Development Office regarding the 10 Reservoir Operations and Maintenance (O&M) Accounts created under W.S. 99-99-1001; conversation ensued. All Accounts were either determined to be stable, with no excess funds available or having no statutory provision to move excess funds, thus no action recommended.

6. Planning Projects Consultant Selection Process Update (C)

Deputy Director of Planning Barry Lawrence summarized the 13-month Water Development Consultant Selection process: Short listing has taken place and firms have submitted their proposals for the 2022-2023 process and are pending review by the Commission and other selection team members. After the teams complete their reviews, firms will be ranked for a competitive interview process for each of the following projects:

Level I Projects – New Development
Glendo Water Master Plan
Newcastle Water Master Plan
Orchard Valley Water Master Plan
Ranchester Water Master Plan
Wardwell Water Master Plan

Level II Projects – New Development
CWRWS Well Field Study
GR/RS/SC JPWB Eastside Zone Study

Level I Projects – Rehabilitation
Casper Alcova Irrigation District Master Plan
Goshen Irrigation District Master Plan
Sidon Irrigation Master Plan
Tillard Canal Master Plan

Level II Projects – Rehabilitation
Cody Canal Rehabilitation
Greybull Valley Irrigation District Upper Sunshine Outlet Works Rehabilitation
Lakeview Irrigation District Rehabilitation
Shoshoni Groundwater Supply & Transmission
Willwood Irrigation District Rehabilitation

Considerable discussion ensued as to the number of consultants submitting on the various projects and the declining trend the WWDO has been seeing over the past few years. Discussed were the change in WWDO selection procedures, changes to procurement statutes as relates to residency requirements, and then of course COVID, all as potential contributing factors. The WWDO will continue to monitor the situation with subsequent selections.

7. Water Development Program Level I and Level II Planning Projects - Budgeting

Deputy Director of Planning Barry Lawrence briefly explained the planning project budgeting process as being market driven with the winning consultant's cost estimate being used as the formal budget for the project. He then noted that the two state-sponsored projects were atypical with budgets for those projects being set by the WWDO. Specifically, the Critical Aging Irrigation Infrastructure Assessment, LI project has a $500,000 budget; and the Cloud Seeding: Operations Hydrological Assessment, Medicine Bow & Sierra Madre Mountain Ranges, Level II project has a $300,000 budget. These projects were approved as part of the 2022 Omnibus Water Bill – Planning.

8. Planning Projects Contract Approval (D)

Deputy Director of Planning Barry Lawrence introduced the Cloud Seeding: Operations Hydrological Assessment, Medicine Bow & Sierra Madre Mountain Ranges, Level II Study Contract. Discussion included the genesis for the project, the various tasks to be undertaken as part of the Scope of Work for the project, the involvement of the University of Wyoming, and use of the Cheyenne supercomputer.

The Select Water Committee moved to recommend approval of the Cloud Seeding: Operations Hydrological Assessment, Medicine Bow & Sierra Madre Mountain Ranges, Level II Study Contract with the National Center for Atmospheric Research (NCAR). The motion was seconded and carried unanimously.

9. Planning Project Amendments (E)

Cokeville Groundwater Exploration Grant Project:

Project Manager George Moser presented the Cokeville Groundwater Exploration Grant Amendment as a fund increase. DeMont Grandy from the Town of Cokeville and Todd Hurd of Forsgren Associates emphasized the importance of the Cokeville project. A brief discussion ensued.

A motion was made by the Select Water Committee to recommend approval of the proposed $34,755 increase to the Cokeville Groundwater Exploration grant. The motion was seconded and carried unanimously.

Secretary Liisa Anselmi-Dalton moved to approve the Cokeville Groundwater Exploration Grant Amendment. The motion was seconded by Commissioner Lee Craig; motion carried unanimously.

10. Project Updates (F)

Critical Aging Irrigation Infrastructure Assessment, Level I Study

Interim Director Jason Mead started by updating the Commission on some concerns the Select Water Committee (SWC) expressed during the review and recommendation of the Trihydro contract. The Interim Director discussed the magnitude of the effort and rationale behind the scope of services that would lead to a prioritized list of critical infrastructure and the development of reconnaissance level cost estimates. Discussion ensued.

Project Manager Chace Tavelli discussed a project introduction letter that had recently been sent out to the irrigation entities within the Office's database. The letter stated the need for the study and introduced Trihydro as the contracted consultant that would be reaching out via phone to discuss each entity's irrigation infrastructure. It also eludes to a series of statewide meetings to gather additional input and allow the public to become more familiar with the study.

Trihydro's Technical Advisor, Jay Schug, then provided a more comprehensive outline of the approach envisioned for the Critical Aging Irrigation Infrastructure Assessment, Level I study. Completion of this project is planned for December 2023.

LaPrele Dam

Colt Rodeman with the LaPrele Irrigation District was virtually present as Interim Jason Mead provided a brief update on the status of Federal funding for the LaPrele Dam reconstruction. The majority of the update focused on $1.39M of NRCS Watershed and Flood Prevention Operations Program funding the LaPrele ID was recently awarded to complete Watershed Planning/NEPA. The LaPrele ID is awaiting an official response from the Bureau of Reclamation Commissioner on Bipartisan Infrastructure Law funding before determining a path forward.

Alkali Creek Reservoir Design Funding Reallocation

John Joyce, Chairman of the Nowood River Watershed Improvement District, as well as Mark Donner and Derrick Thompson of Trihydro were introduced as Interim Director Jason Mead provided information on the reallocation of a portion of design funding to complete work necessary for an application to the Bureau of Reclamation's Small Storage Program, a newly established grant program authorized by the Bipartisan Infrastructure Law. Federal funding is available for up to 25% of eligible project costs, not to exceed $30M. The Federal funding could help offset escalating project construction costs and further leverage limited state funding. Interim Director Mead also discussed the likelihood of a recommendation at the upcoming November meeting for supplementary design funds to address a number of additional and out of scope work items experienced on the project of which the discretionary task is unable to handle.

GID Tunnel Rehabilitation 2022

Kevin Strecker, Manager of the Goshen Irrigation District (GID), and Marcus Krall of HDR were in attendance. Interim Director Jason Mead presented a letter the WWDO received

from GID stating a consensus to move forward with the sequential excavation method (SEM) of tunnel construction and requesting additional design funding. The estimate to complete design and bidding is now approximately $3.8M, up from the original appropriation of $2.35M. The letter also requests an allowance to move forward through 30% design with the currently appropriated design funds. Discussion followed.

The Gering-Fort Laramie Irrigation District does not anticipate needing funding. Therefore, Interim Director Mead suggested an amendment to the existing Goshen ID Tunnel Rehabilitation 2022 legislation that could be handled in the upcoming 2023 Omnibus water bill-construction. The amendment would in general modify legislation language to change the $2.35M appropriation to 67% grant, 33% loan in its entirety, with the intent of providing funding to GID for their 49% share of engineering analysis, design, permit procurement, project land procurement, and pre-construction engineering of the project.

The Select Water Committee moved to recommend to the Commission to utilize GID's 49% portion of the $2.35M appropriation to proceed with design, recognizing it will only take the project through 30% design completion. The modification of funding terms for the 51% portion of the $2.35M would then be addressed through recommendation and discussion at the November and December meetings, and eventually the 2023 Legislature to potentially fund the remainder of the design, bidding and award of the project. The motion was seconded; motion carried unanimously.

Commissioner Clinton Glick moved to accept the Select Water Committee's recommendation to utilize GID's 49% portion of the $2.35M appropriation to proceed with design, recognizing it will only take the project through 30% design completion. The motion was seconded by Vice-Chairman Ron Kailey, Jr. and carried unanimously.

Happy Valley Water Improvement and Service District (Amended to the agenda by Representative Simpson)

The Happy Valley Water Improvement and Service District and the Broken Wheel Ranch Improvement and Service District both thanked the Commission and the Committee for grants and projects awarded to them.

11. State Engineer's Update

State Engineer Brandon Gebhart provided an update for each component of the 5-point plan for the Colorado River Basin:

1. Seek amendment and reauthorization of the System Conservation Pilot Project legislation originally enacted in 2014. The amendment will provide for extension of the authorization and reporting periods to September 30, 2026, and September 30, 2027, respectively, and seek funding to support the program in the Upper Basin. Upon obtaining reauthorization, the necessary funding, and finalizing any required agreements, we intend to reactivate the program in the Upper Basin in 2023.

2. Commence development of a 2023 Drought Response Operations Plan (2023 Plan) in August 2022 with finalization in April 2023 consistent with the Drought Response

Operations Plan Framework (Framework). A 2023 Plan must meet all the requirements of the Drought Response Operations Agreement and the Framework. These requirements include, but are not limited to, determining the effectiveness of any potential releases from upstream Initial Units to protect critical elevations at Glen Canyon Dam, and ensuring that the benefits provided to Glen Canyon Dam facilities and operations are preserved.

3. Consider an Upper Basin Demand Management program as interstate and intrastate investigations are completed.

4. Implement, in cooperation with Reclamation, the Bipartisan Infrastructure Law for Upper Basin Drought Contingency Plan funding to accelerate enhanced measurement, monitoring, and reporting infrastructure to improve water management tools across the Upper Division States.

5. Continue strict water management and administration within the available annual water supply in the Upper Division States, including implementation and expansion of intrastate water conservation programs and regulation and enforcement under the doctrine of prior appropriation.

This plan has been submitted by Wyoming, Colorado, Utah, and New Mexico, through the UCRC, to the Commissioner of the Bureau of Reclamation. Discussion followed.

12. Construction Project Closeout Memos (N)

Bill Brewer, Deputy Director of Construction, provided an informative update for the following completed Level III Construction Projects:

- Casper CY Booster Station
- Douglas Spring 2011
- Casper Zone II 2015
- Glenrock Transmission Pipeline 2018
- Lakeview Carter Creek Siphon Spillway 2019
- Lovell Moncur Lateral Rehabilitation 2019
- Lower Nowood Rural Water Supply

13. Construction Contingency Account Requests

There were no construction contingency account requests requiring action.

14. Potential Level III Amendments Discussion

To prepare the Commission and Committee for the November's legislation, Bill Brewer brought attention to the following projections:

- 12-16 Account I projects may require between $18-$24 million in amendment requests.
- 3-7 Account II projects may require between $1.3-$3.1 million in amendment requests.

- There is 1 Account III project – this is the same project from May of 2021, potentially requiring the approval of between $20-$30 million via an amendment request.

The Construction Division is creating a priority ranking plan in the event of insufficient funds for either construction amendments or new construction projects. Projects ready for bid will be ranked as top priority.

15. Intended Use Plan (H)

Project Manager Jennifer Russell presented the Wyoming Drinking Water State Revolving Fund (DWSRF) FY2023 Intended Use Plan (IUP), which outlines how the State will use the DWSRF to meet the 1996 Safe Drinking Water Act (SDWA) objectives and further the protection of public health. The IUP contains the following elements:

1. Priority List of Drinking Water Projects
2. Criteria and Method for Distribution of Funds
3. DWSRF Financial Status
4. Additional Subsidization
5. Green Project Reserve
6. Short- and Long-term Goals of the Program
7. Description of Set-Aside Accounts and Activities

There were 124 ARPA Water and Sewer funding applications received by the Office of State Lands and Investments, totaling approximately $258 million in new requests.

The Select Water Committee moved approval of the FY2023 Intended Use Plan as presented. The motion was seconded and carried unanimously.

16. Discussion

There were no additional items for further discussion.

17. Future Meetings Schedule

Interim Director Jason Mead proposed the dates of December 5th and 6th for the Commission Workshop and Meeting, and December 7th for the Select Water Committee Meeting. The proposed dates were adopted by the Commission and Committee. The respective meetings will be held in Cheyenne – both agendas will include the review of the draft Omnibus Water Bills.

18. Adjourn

Secretary Liisa Anselmi-Dalton motioned to adjourn the meeting for the Water Development Commission at 5:49 p.m. Vice-Chairman Ron Kailey, Jr. seconded the motion; motion carried unanimously.

Respectfully submitted,

Liisa Anselmi-Dalton, Secretary