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1981
ANNUAL REPORT

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WYOMING
WATER DEVELOPMENT COMMISSION

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1981 ANNUAL REPORT

WYOMING WATER DEVELOPMENT COMMISSION

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WYOMING WATER DEVELOPMENT COMMISSION

COMMISSION MEMBERS

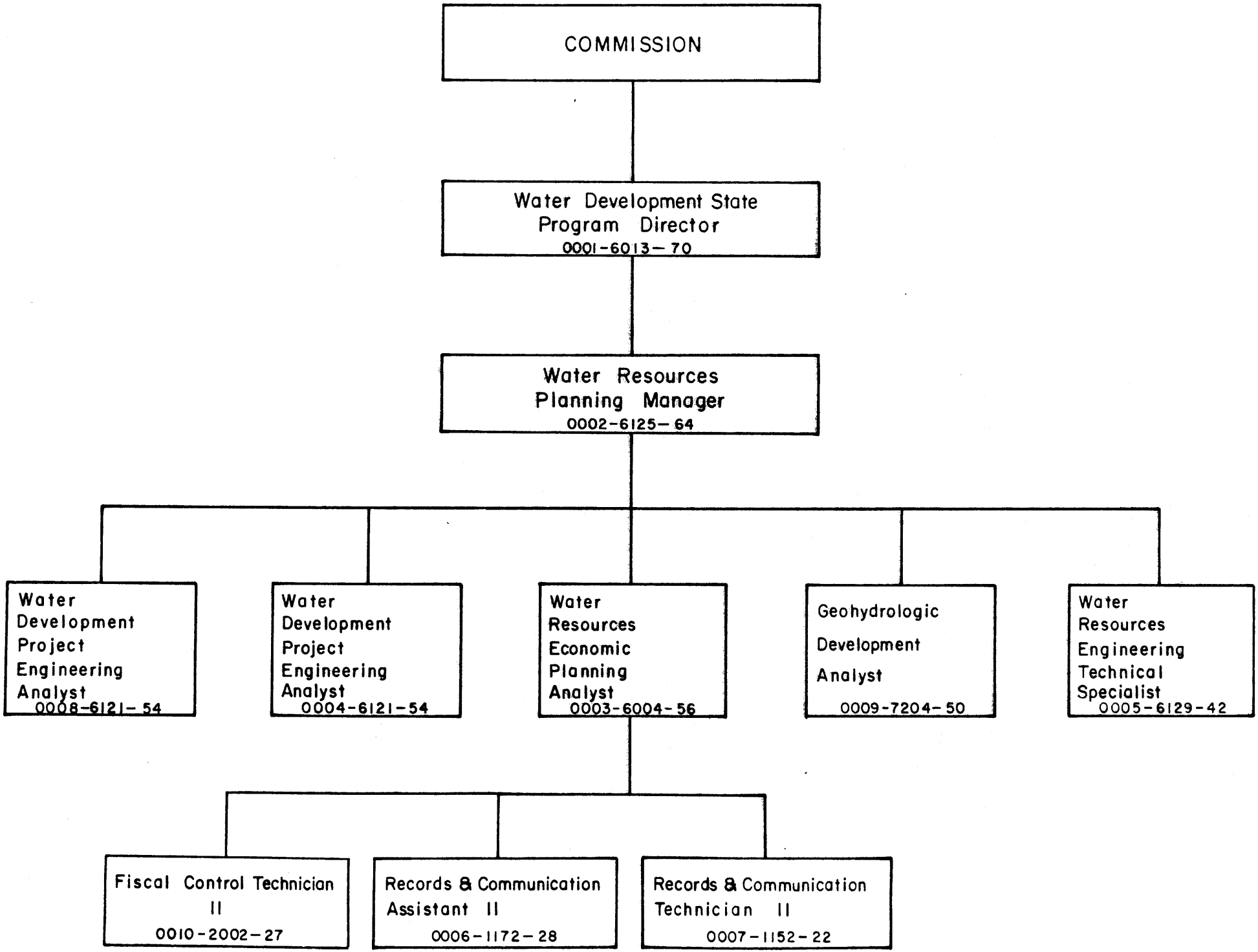
		Term Expires
Nelson E. Wren, Jr. Chairman	Water Division I	May 24, 1983
Walter J. Pilch Vice-Chairman	Water Division II	May 24, 1983
Lewis Freudenthal Secretary	Water Division III	May 24, 1985
J. Kenneth Kennedy	Water Division I	May 24, 1985
William J. Kirven, Jr.	Water Division II	May 24, 1985
Willard C. Rhoads	Water Division III	May 24, 1983
James Noble	Water Division IV	May 24, 1983
Wes Myers	Water Division IV	May 24, 1985
Lee Coffman	At-Large Member	May 24, 1985

STAFF

Administrator	Michael Reese
Planning Manager	John Jackson
Economist	Evan Green
Engineer	Dave Zelenka
Engineer	Al Likes
Geohydrologist	Jon Wade
Engineering Technical Specialist	Mike O'Grady
Secretary	Stella Webb
Fiscal Technician	Lee Costanzo
Secretary	Vicki Beckman

ADVISORS

George L. Christopulos	State Engineer
Myron Goodson	Department of Economic Planning and Development
Paul Rechard	Water Resources Research Institute


COMMISSION
Water Development State Program Director
0001-6013-70
Water Resources Planning Manager
0002-6125-64
Water Development Project Engineering Analyst
0008-6121-54
Water Development Project Engineering Analyst
0004-6121-54
Water Resources Economic Planning Analyst
0003-6004-56
Geohydrologic Development Analyst
0009-7204-50
Water Resources Engineering Technical Specialist
0005-6129-42
Fiscal Control Technician II
0010-2002-27
Records & Communication Assistant II
0006-1172-28
Records & Communication Technician II
0007-1152-22

INTRODUCTION

The Wyoming Water Development Commission was created in 1979 by the 45th State Legislature. W.S. 41-1-106(a) gives the Commission responsibility for ". . . the coordination of Wyoming's water and related land resources planning. . ." W.S. 41-2-114(a) states that the Commission shall, on the basis of the state water plan, ". . . identify and select projects to be studied for their feasibility and the desirability of their inclusion in the Wyoming water development program."

This report will be organized around the Commission's response to these legislative assignments.

History and Organization

The Water Development Commission was established through the legislative reorganization of the Water and Related Land Resources Planning section of the State Engineer's Office, the Wyoming Water Development Program, and the Governor's Interdepartmental Water Conference. The authorities and responsibilities formerly vested with these entities were transferred to the Water Development Commission when the enabling legislation became effective on May 25, 1979. The Commission began to function as an independent agency with the start of the 1980 fiscal year on July 1, 1979.

Under the provisions of W.S. 41-2-117, the Water Development Commission's nine members are appointed by the Governor after consultation with the State's four water division superintendents. Two members are appointed from each division, with one member appointed at-large. The Commission members serve staggered four-year terms and may be reappointed. The Commission elects a chairman, vice-chairman, and secretary. W.S. 41-2-117 also provides for three consultants without vote to serve as advisors. These advisors are the state engineer or his designee, the administrator of the water division of the Department of Economic Planning and Development, and a person with interest, training, and expertise in water resource matters from the University of Wyoming or the Wyoming Water Resource Research Institute, appointed by the president of the University with the approval of the board of trustees. Staff support is provided by ten full-time employees.

Time Frame

Although this report covers the 1981 fiscal year, there is some overlap into other fiscal years in order to present an accurate picture of the status of the Commission. For example, some projects have been carried forward from previous years. Staffing information refers to current staff even though the fiscal technician position was not filled until after June 30, 1981.

MAJOR ACCOMPLISHMENTS

OBJECTIVES

The objectives of the Water Development Commission are listed in W.S. 41-1-106 through 41-1-108 and W.S. 41-2-107 through 41-2-116. Selected references from these statutes are included in Appendix A, and are summarized here:

1. The commission is responsible for the coordination of Wyoming's water and related land resources planning.

2. The commission shall formulate and revise water and related land resources plans for the state and for appropriate regions and river basins. The plans shall implement policies stated in the Wyoming constitution and state statutes.

3. The commission shall administer the Wyoming water development program. The program shall provide through the commission, procedures and policies for the planning, selection, financing, construction, acquisition and operation of projects and facilities for the conservation, storage, distribution and use of water.

4. The commission shall, on the basis of the state water plan, identify and select projects for their feasibility and the desirability of their inclusion in the Wyoming water development program.

Thus the functions of the Commission fall within two broad areas of responsibility:

1. Water resources planning

2. Water development projects

The accomplishments of the commission will be discussed under these two general headings.

ACCOMPLISHMENTS

Water Resources Planning

W.S. 41-1-106, 41-2-107, 41-2-108, 41-2-109 and 41-2-110 as cited below define the Water Development Commission's responsibilities in regard to water resource planning and coordination.

41-1-106. Water and related land resources planning; commission's responsibility.

(a) The commission is responsible for the coordination of Wyoming's water and related land resources planning and with the approval of the governor is authorized to enter into contracts and agreements with the United States of America or its duly authorized representative agency for planning pertaining to the utilization of Wyoming's water and related land resources.

41-2-107. Water resources plans; review; submission to commission. The commission shall formulate and from time to time review and revise water and related land resources plans for the state of Wyoming and for appropriate regions and river basins. The plans shall implement the policies stated in the Wyoming constitution and in statutes pertaining to the state's water and related land resources.

41-2-108. Consultation; hearings, studies and plan coordination.

(a) In the formulation of these plans the commission may:

(ii) Consult with and receive the views of persons, local groups and organizations representing water users, special interests, industries and the public interest, and acquire data and information relating to water, water use, water conservation, and water quality from government agencies, departments and other sources;

(iii) Coordinate the water resources plans with other government agencies and departments;

(iv) Undertake studies, investigations, surveys and research relevant to the formulation of the water resources plans and enter into contracts and arrangements for the same with any government agency, department, or any person, firm, university, institution, or state or national organization;

(v) Adopt, in whole or in part, studies and reports made by other governmental agencies, state or federal; and

(vi) Perform other related activities or functions as are relevant and appropriate to the formulation of water resources plans.

41-2-109. Content of plans; identification; evaluation.

(a) The water resources plans shall, to the extend deemed practical:

(i) Identify, describe and inventory the occurrence, amounts,

availability and quality of water resources, current uses of water, activities that affect the quality of water, and activities that are dependent on, affected by, or relate to water and uses of water;

(ii) Identify and describe prospective needs and demands for water and opportunities for water development, control, withdrawal, storage, conservation, supply, distribution, drainage and disposal;

(iii) Identify and specify for each plan appropriate state, regional and local goals and objectives for management of water resources, including the obtaining of economic efficiency and a desirable distribution of income, the protection of the health, safety and welfare of the people, the protection and encouragement of particular industries and activities, the protection and enhancement of the environment and recreation; and

(iv) Evaluate and compare prospective and anticipated uses and projects, including combinations and coordinations thereof, uses of alternative sources of water and alternative uses of water, in terms of goals identified pursuant to paragraph (iii) of this subsection.

41-2-110. Use of plans; publication; recommendation and employment of plans.

(a) The commission shall:

(i) Publish the water resources plans as they are formulated and adopted and disseminate them to people, industries and government departments and agencies;

(ii) Give advice and assistance if requested to government departments and agencies, furnish to them the appropriate plans, and make available related subsidiary and additional data and information, or data and information related to plans in the process of preparation;

(iii) Recommend action or legislation needed to implement and carry out the plans.

Little Bighorn Study

In March of 1981, Governor Ed Herschler contacted the Water Development Commission to request an investigation of uses for any uncommitted water which might be available in the Little Bighorn River. Specifically, the Governor requested that WWDC investigate the possibility of using the Little Bighorn River as a source of municipal and industrial water for in-state use. He suggested that all communities in Sheridan County as well as Gillette, Buffalo, Midwest, Edgerton, Mills, Evansville, and Casper be considered as potential demand centers.

The WWDC examined a number of development alternatives and delivery options for transporting water from the Little Bighorn basin to points of potential use. The report was completed in September, 1981.

Little Snake River Manual

In conjunction with on-going feasibility studies of Stage II and Stage III of the Little Snake River Water Management Project, the WWDC

staff under the direction of Commissioner Willard Rhoads developed a model river basin manual for the Little Snake River drainage. It was hoped that this effort could serve as a model for development plans for other basins and would lead to a basin-by-basin update of the Wyoming Framework Water Plan which was last revised in 1973. However, the manual remains uncompleted and has been shelved due to competing demands on staff resources.

Governor's Planning Request

Late in the fiscal year, Governor Herschler sent a list of eleven water-related planning issues to the Commission and asked that the first six be addressed in time for review by his office prior to the 1982 session of the legislature. Those eleven issues are:

1. determining the future water needs of Wyoming cities and towns;

2. determining the areas within Wyoming where additional agricultural water may be required;

3. determining the areas where future industrial water demands will be the greatest;

4. determining areas where environmental concerns should be protected, and the steps to protect these areas (instream flow legislation, etc.);

5. developing a list of sound water projects and prioritizing this list to reflect those projects which could be developed in the near term (3-5 years) and which would satisfy the needs of 1-4 above, and would also provide the widest amount of benefits to the state;

6. determining the type of funding requirements, options, and programs which may be necessary to implement 5 above;

7. undertake a program to determine where water use could be improved while not jeopardizing the rights of existing appropriators;

8. developing and prioritizing a list of sites where small scale and low head hydroelectric projects could be developed;

9. determining what statutory barriers would prohibit the state from developing and marketing the power from 8 above, and proposing legislation to allow marketing of the power;

10. developing criteria which would allow for trans-basin diversion(s), along with criteria to protect the basin of origin's needs; and

11. determining what changes in Wyoming law would help improve the ability of the state to manage its water resources.

Response to the Governor's request will place increased demands on staff resources, particularly due to time constraints. The Commission recognizes the importance of water planning, but is in need of additional

staff support to respond adequately to requests for assistance and to update the state water plan.

Wyoming Water Development Program

The responsibilities of the Water Development Commission in the Wyoming Water Development are summarized in W.S. 41-2-112, as cited below:

41-2-112. Wyoming water development program. The Wyoming water development program is established to foster, promote and encourage the optimal development of the state's human, industrial, mineral, agricultural, water and recreational resources. The program shall provide through the commission, procedures and policies for the planning, selection, financing, construction, acquisition and operation of projects and facilities for the conservation, storage, distribution and use of water, necessary in the public interest to develop and preserve Wyoming's water and related land resources. The program shall encourage development of water facilities for irrigation, for reduction of flood damage, for abatement of pollution, for preservation and development of fish and wildlife resources, for protection and improvement of public lands and shall help make available the waters of this state for all beneficial uses, including but not limited to municipal, domestic, agricultural, industrial, hydroelectric power and recreational purposes, conservation of land resources and protection of the health, safety and general welfare of the people of the state of Wyoming.

Following is a summary of current Water Development Commission projects.

AUTHORIZED PROJECTS

Park Reservoir. The Park Reservoir Company of Sheridan submitted an application to the Water Development Commission for a feasibility study of replacing Park Reservoir Dam. The dam had been declared unsafe by the State Engineer in 1979, and was breached in 1980.

In August, 1980, WWDC signed a contract with Woodward-Clyde Consultants of Denver, Colorado, for a feasibility analysis, preliminary design, and cost analysis for replacement of the dam.

On September 19, 1980, the first of two public hearings on the proposed replacement was held in Sheridan. At that hearing, the major issues raised were: the financing and cost allocation plan, potential enlargement, and environmental concerns -- primarily maintenance of a minimum pool and a minimum flow in the East Fork of Big Goose Creek below the dam.

Shortly after the Woodward-Clyde report was received, the second and final public hearing on the proposal was held in Sheridan on December 8, 1980. Those in attendance voiced support for the replacement of the dam.

The Commission, after careful consideration of all aspects of the situation, recommended to the 1981 Session of the Legislature the replacement of the breached dam to its original elevation of 8,274 feet. The Legislature passed Enrolled Act 78 which created W.S. 41-2-501 through

41-2-505 relating to the reconstruction of the Park Reservoir Dam, including a purchase of storage by the State of Wyoming; providing for the design and construction of the project; providing for financing from the water development account through the Department of Economic Planning and Development, and providing for an appropriation.

The act provided direct funding not to exceed $1,325,000 in return for storage space to provide a minimum pool in the reservoir, flushing flows, and minimum fish flows in the East Fork of Big Goose Creek.

In addition, a loan of $1,200,000 at 5% for 40 years was authorized.

Fremont Lake. The Fremont Lake Reservoir Association of Pinedale submitted an application to the Water Development Commission for a feasibility study of replacing and raising the dam on Fremont Lake.

Fremont Lake is a natural lake occupying a glacially scoured depression dammed by a terminal moraine. The man-made dam was constructed in the 1930's and consists of a system of flash boards which cannot be operated during a period of high runoff. The dam is four feet high and stores 20,000 acre-feet of water from Pine Creek.

During high flow periods, the dam overtops by up to two feet. Water flows year-round through and under the rockfill portion of the structure. The overtopping and leakage contribute to a lack of control of discharge, to lake level fluctuation, and to a loss of water which could be stored for future use. In addition, a downstream irrigation diversion structure created a lagoon which backs water over the dam during high runoff.

The WWDC contracted with Rio Verde Engineering of Pinedale to investigate the feasibility of replacing the existing dam with a structure of similar size and location, but one foot higher with operational gates for controlling discharge. The additional dam height would increase active storage by 5,000 acre-feet and stabilize lake level fluctuation.

After the study was completed and distributed, a public hearing was held in Pinedale. Major issues raised included cost allocations, minimum fish flow in Pine Creek below the dam, and the lack of a legal entity with authorization to enter into contracts on behalf of the reservoir owners.

Based on the study and hearing results, the WWDC recommended that the Legislature approve the project and loan up to $250,000 to the owners of the reservoir for dam construction.

The Legislature passed Enrolled Act No. 56, which created W.S. 41-2-212 through 41-2-215 relating to water; providing for the authorization for the reconstruction and enlargement of Fremont Lake; providing for a project agreement and a management plan; providing definitions; providing for costs and financing; providing limitations and conditions; providing for the value of waters released from the project to be credited against repayment; and providing for an appropriation.

The act provided for a loan of $250,000 at 5% for 30 years to finance the reconstruction and enlargement.

COMMISSION STUDIES

The procedures used to apply to the Water Development Commission for assistance, as well as the policies used by the Commission in selecting projects for study, are described in Appendix B.

As of June 30, 1981, the Water Development Commission was actively pursuing or had completed feasibility studies on the eight projects briefly described below.

Little Snake River Water Management Project. The Little Snake project, its alternatives and ramifications, continued to demand a major portion of Commission efforts and staff resources. In November of 1980, Banner and Associates delivered the final draft of their feasibility study and substantiating report on Stage III. The timing made it impossible to digest the contents of the report, hold public hearings and formulate recommendations to the legislature when it convened in 1981.

The 1981 Wyoming Legislature approved a footnote on the appropriation bill allocating $5,000,000 to be used by the WWDC to prepare final plans and specifications for the Stage III project defined in W.S. 41-2-204(a)(iv). The exact items to be pursued by expenditures of these funds are more particularly defined as follows:

> An additional five million dollars ($5,000,000.00) is appropriated from the Water Development Account under W.S. 39-6-305(g) to be expended by the Wyoming Water Development Commission to obtain water permits, plan methods of funding, develop plans and specifications and perform geological and other studies and investigation necessary to expedite the Stage III project defined in W.S. 41-2-204(a)(iv). The plans and specifications shall be developed for the Battle Creek to Jack Creek Collection System and Pipeline, Jack Creek Reservoir and Jack Creek to North Platte River Pipeline and Upper Savery Reservoir. Any city, town or special district contributing to the costs under this section shall be included within the option to purchase Stage III water as described by Section 2, Chapter 72, Session Laws of Wyoming 1980.

In April, 1981 the WWDC held public hearings in Casper, Rawlins, Baggs, and Rock Springs to receive input from citizens affected by the proposed projects. Objections, corrections, and alternative recommendations were voiced as was support for the proposed projects. In an effort to comply with the enacted legislation and to respond to public comments, the Wyoming Water Development Commission identified three alternatives to the development plan proposed by Banner and Associates. An analysis of these alternatives was initiated, and the results will be available for review by the legislature prior to the 1982 Session.

In addition, WWDC prepared the requests for proposal for the geotechnical investigation of the Upper Savery Reservoir site.

Sweetwater County Association of Governments. The Commission contracted with the Sweetwater County Association of Governments (SCAG) for a hydrogeologic study with the objective of identifying and evaluating present and potential groundwater sources in the Wamsutter-Superior area. SCAG contracted with Willard Owens and Associates to perform the study. A

draft report was completed in June of 1981 which outlined a groundwater development plan for the area.

Kemmerer. The Town of Kemmerer submitted an application to the Commission for assistance in developing new sources of municipal water supplies, specifically a new reservoir to be constructed on the Willow Creek drainage approximately five miles north of the Kemmerer water treatment plant. The Commission has assisted the Town in exploring other potential sources, including an arrangement with Utah Power and Light whereby the existing Viva Naughton Reservoir could be enlarged to supply Kemmerer's needs.

Hawk Springs. The Horse Creek Conservation District submitted a request for assistance in repairing or replacing the Hawk Springs Dam, which provides storage of irrigation water. The Commission is proceeding with the study as a joint project with the Soil Conservation Service.

Casper Aquifer. The Water Resources Research Institute was selected by the Commission to perform a reconnaissance-level study of the water development potential of the Lower Paleozoic aquifer, also known as the Casper Aquifer, in Southeastern Wyoming. The study concentrated on the eastern and western flanks of the Laramie Range and in the Hartville Hills area. Findings indicate that the aquifer has excellent potential for large-scale development because of good quality water, shallow drilling depths, and well developed fracture or sandstone permeability. Good to exceptional yields are obtained from existing wells completed in fracture zones or permeable sandstone beds.

A number of potential test sites are identified in the report based on outcrop geology, potentiometric data, and subsurface stratigraphy. These sites are potential sources of significant amounts of groundwater, although for most locations no hydrologic data exist to estimate expected yields. Shallow seismic work or geologic mapping are needed at most sites to locate subsurface fracture zones and identify optimum test well sites.

Clarks Fork. The Commission entered into an agreement with the Shoshone and Heart Mountain Irrigation Districts to assist them in determining the feasibility of a storage reservoir of up to 444,000 acre-feet on the Clarks Fork River. As a first step, $15,000 was allocated for a reconnaissance geological study of the Clarks Fork from near the National Forest Boundary to its confluence with Pat O'Hara Creek. The cost of a complete feasibility study has been estimated to be between $250,000 and $300,000. Development on the Clarks Fork may be affected by the outcome of the Division Three Adjudication Suit, although the State Engineer believes such impact would be minimal.

One major problem could be the proposed wild and scenic river designation for the Clarks Fork which was studied under Congressional authorization for possible inclusion in the National Wild and Scenic River System. A serious look should be given to the proposed wild and scenic designation to see how it affects Wyoming's ability to utilize its compact allocated water.

Westside. The proposed Westside Irrigation Project was bequeathed to the Commission by the Governor's Interdepartmental Water Conference. The affected lands are located along the west side of the Big Horn River beginning

near the Town of Worland. Project lands are upper benches with lie primarily above and west of lands presently irrigated with water from the Big Horn Canal. The project area lies in strips and blocks west and north of Worland and west of Manderson and Basin. The proposed irrigated area could include up to 20,000 acres. However, because of Division III litigation quantifying Indian and Federal reserved rights, the status of the Westside Project is uncertain.

A summary of all project applications and current status is shown in Figure 1.

PROJECT APPLICATIONS SUMMARY AND STATUS

Projects Presented to the Commission - June 29, 1981

Project Name	Date Application Received	Description	Commission Action	Status
1. Kemmerer	November 18, 1980	Application for a new water reservoir to be constructed on the Willow Creek drainage approximately five miles north of the Kemmerer water treatment plant.	Commission directed the Staff to do hydrologic analysis and meet with Kemmerer and Utah Power & Light	The Administrator and Staff members met with Kemmerer and Utah Power & Light on Sept. 10, to discuss Kemmerer use of Viva Naughton Reservoir.
2. Glenrock	February 10, 1981	Application for a feasibility study of a dam on Deer Creek. This project would supply municipal and industrial water to the Town of Glenrock, flood protection, irrigation supply and a recreational site.	Commission directed the Staff to do hydrologic analysis of Deer Creek.	The study has been initiated during October.
3. Hawk Springs	March 5, 1981	This project would involve a joint effort between WWDC and SCS in the investigation and preliminary design of the Hawk Springs Dam.	Commission directed the Staff work with the SCS on analysis of the dam and reservoir.	The SCS has drilled the dam, the staff has explored means of getting riprap and SCS will be finalizing their report in November.
4. Gooseberry	April 1, 1981	This project involves developing alternate water sources and/or storage for irrigation water on Gooseberry Creek.	Commission directed the Staff to do hydrologic analysis of Gooseberry Creek.	This study has not been started.
5. Pathfinder	April 10, 1981	Pathfinder Irrigation District has requested assistance in planning an irrigation system rehabilitation measure under the RC&D program.	Commission tabled the project.	N/A
6. Buffalo	April 13, 1981	This project involves a general analysis of municipal water supply.	Commission directed the Staff to do hydrologic analysis of Clear Creek and look at potential of groundwater.	This study has not been started.
7. Cadiz	May 15, 1981	Cadiz Corporations project is the proposal of a private Buffalo-Sheridan area water company to exchange Clarks Fork River water for Powder River water. One way to exchange water would be to construct two reservoirs in the Clarks Fork drainage, Badger Basin and Clark Reservoirs. This stored water would be released down Clarks Fork River and would replace Montana water under the Yellowstone Compact that would be stored in Clear Creek Reservoir in Powder River drainage. The alternate exchange of Montana water stored in Clear Creek Reservoir.	Commission tabled the project pending receipt of the State Engineer's analysis of the transfer.	N/A

FIGURE 1

Project Name	Date Application Received	Description	Commission Action	Status
Pending Project Applications				
8. Hidden Valley	June 17, 1980	This project involves re-regulating the Reservoir on the Plot Canal Irrigation District.	Commission directed the Staff to work on the project.	Midvale Irrigation District withdrew their application.
9. Rawlins	May 22, 1980	Request by the City of Rawlins for a feasibility study of a water supply source in the Great Divide Basin.	Commission took no action pending completion of the LSRWM study and Rawlins deciding their preferred approach.	Inactive.
10. Gillette	November 6, 1980	Request for $7.5 million in water development funds to offset some of the costs of the Gillette-Madison Water Project.	Commission has taken no action.	Inactive.
11. Riverton Valley	June 1, 1981	Project to rehabilitate their canals and delivery system and put a canal through the Town of Riverton in a pipe.	Commission has taken no action.	Pending Commission review.
12. Iron Creek	June 9, 1981	A replacement option for Corbett Dam and Corbett tunnel on the Garland Canal.	Commission has taken no action.	Pending Advisors review.
13. Buffalo Bill Dam	June 15, 1981	This project calls for enlargement of the existing Buffalo Bill Dam.	Commission has taken no action.	Pending Advisors review. Meetings have been held.
14. Civil Defense	June 22, 1981	A study of groundwater potential for stockwater purposes. Involves counties of Crook, Niobrara, Weston and Campbell.	Commission has taken no action.	Pending Advisors review.
15. Crystal-Granite	June 20, 1981	Rehabilitation of Crystal Reservoir and Granite Reservoir. Both reservoirs have been declared hydrologically unsafe by the Corps of Engineers.	Commission has taken no action.	Pending Advisors review.
16. LaPrele	July 2, 1981	Rehabilitation of the Irrigation Distribution system for LaPrele Irrigation District.	Commission has taken no action.	Pending Advisors review.
17. Corn Creek	July 15, 1981	Calls for a feasibility analysis of the irrigation transmission and distribution systems for the Corn Creek Irrigation District.	Commission has taken no action.	Pending Advisors review.
18. Cottonwood	August 14, 1981	Feasibility study of hydroelectric generators in existing gravity pressurized sprinkler lines on Cottonwood Irrigation District.	Commission has taken no action.	Pending Advisors review.
19. West Fork Bear River	September 9, 1981	9,500 acre-feet reservoir to supply supplemental irrigation water.	Commission has taken no action.	Pending Advisors review.
20. Rawlins	August 26, 1981	Provide municipal water supply.	Commission has taken no action.	Pending Advisors review.
21. Willwood	September 17, 1981	Retrofit Willow Dam with hydroelectric generation capabilities.	Commission has taken no action.	Pending Advisors review.
22. Fuller - Little Bighorn River	October 9, 1981	Development of industrial water supply.	Commission has taken no action.	Pending Advisors review.

Other Activities and Accomplishments

1. Groundwater Exploration Grant Program. The 1981 Session of the Wyoming Legislature enacted W.S. 41-2-119 which authorized the Water Development Commission to grant up to three million dollars to incorporated cities and towns in Wyoming for exploration for and feasibility studies of the use of underground purposes. Municipalities may receive up to $200,000, which must be matched by 10% local funds.

The Commission developed and adopted rules and regulations which were presented to municipalities at the annual convention of the Wyoming Association of Municipalities in June. Applications were accepted starting July 1, 1981.

2. Newsletter. The Commission developed and began distribution of a newsletter, The Water Spout, which is published after each Commission meeting and gives an update of Commission action and activities. The newsletter is mailed to all legislators, related state and federal agencies, and other individuals and agencies requesting copies. Currently, over 150 copies are distributed after every Commission meeting.

3. Landsat Demonstration Project

In April, WWDC staff contacted N.A.S.A.'s Ames Research center in Moffat Field, California about the possibility of conducting a Demonstration Project in Wyoming. Wyoming is the only state in the U.S. that has not been provided a Demonstration Project via their "Technology Transfer" program. In June, N.A.S.A. agreed to a Demonstration but warned the State that the Demonstration must be complete by September 30 due to program budget cuts.

The first step in proceeding with the Demonstration was to choose a geographic area within the state to be analyzed. The Little Snake drainage area was chosen because of its relative small size and diversified land cover. A computer compatable tape via the Landsat III Satellite was then obtained for digital processing on the computer at Ames. The Satellite has a Multi-Spectral Scanner on board which obtains four (4) digital values for each 1.1 acre on the surface of the Earth. This information is then collected by the satellite every 18 days over a 118 mile x 118 mile (one Landsat scene) area and transmitted back to receiving stations here on Earth.

WWDC then contacted all other natural resource agencies as well as the University and Governor to obtain their support and assistance. The Governor then wrote a letter to N.A.S.A. assuring them he was in support of the Demonstration and that the state would participate.

The following agencies then sent representatives to the Ames Center for a training and work session:

Water Development Commission
State Engineer
Public Lands
Agriculture Department
Highway Department

Game and Fish
Data Services
University

The project is scheduled for completion in September.

4. Water Financing Proposal. The Commission has undertaken efforts to engage a professional firm to provide financial advisory services. The need for such services has arisen because the demand for funds for water development projects exceeds current and near-term projected revenues in the Water Development Account. The Commission has received applications for projects totaling almost $800 million. However, the balance in the Water Development Account is currently less than $35,000,000, with legislative authorizations from the account exceeding $38,000,000. Hopefully, a financial consulting firm will be able to assist the Commission and the legislature in "levering" available funds so as to allow maximum development from limited funds.

5. Title III, Water Resources Council. Based on an application submitted to the U.S. Water Resources Council, the Water Development Commission received $103,800 in federal funds to be used for a state water management resources planning program. Funds will be used for a variety of purposes, including basin studies, the Water and Man educational program, the Landsat program, and staff training.

6. Water and Man. The Water Development Commission contracted with Water and Man, Inc. of Salt Lake City, Utah, to provide a series of educational materials on water topics to be introduced into Wyoming schools. The materials were purchased by the Commission and given to Wyoming Resources Network for implementation.

7. DOE Small Scale Hydroelectric Program. During Fiscal Year 1981 the Water Development Commission became involved with the Department of Energy as the Wyoming representative for their Small Scale Hydroelectric Development Program. During the year staff members were familiarized with the program and development objectives were formulated. A number of contacts were received by the WWDC for information about the services being offered by the DOE, and efforts were made to assist anyone interested in the program. Several field trips were made to examine potential SSH sites and talk to local groups about the feasibility of hydroelectric development in their area.

8. A-95 Reviews. During Fiscal Year 1981 staff of the WWDC cooperated with the State Planning Coordinator's Office by reviewing a large number of water related projects through the A-95 review process. All aspects of Wyoming's water resources were involved, including surface and groundwater impacts, environmental consequences of proposed developments, compact considerations, etc.

9. Missouri River Basin Commission (MRBC) Hydrology Study. Questionaire forms regarding their surface and groundwater use were sent to municipal, industrial and energy users in the Wyoming portion of the Missouri River basin. Upon receipt of the completed forms the amount of water used in the river basins tributary to the Missouri River for municipal, industrial, energy extracting, energy processing and rural domestic uses was

computed and tabulated. These tabulations were supplied to the MRBC for their computation of depletions from streamflow.

10. Wyoming Hydrology Study. Questionnaire forms regarding surface and groundwater use were sent to municipal, industrial and energy users in the Little Snake, Green, Bear and Snake River basins in Wyoming. Upon receipt of the completed forms, the amount of water used in these basins for municipal, industrial, energy extracting, energy processing and rural domestic uses was computed and tabulated. These tabulations together with those obtained for the Missouri basin and the MRBC study were used to compile the amount of water withdrawn, percent consumptive use and gallons per capita per day used in municipalities and the amount of water withdrawn by industrial and energy users from surface and groundwater sources in the river basins in Wyoming.

11. Division III Adjudication - State-Federal Lawsuit. The staff provided assistance and information for both the State and Federal governments, engineering consultants and attorneys, including:

1. All aerial photography -- Wind-Bighorn
2. All S.C.S. irrigated lands tabulations
3. All U.S.G.S. 7.5 minute quad irrigated lands mapping.
4. Back up data -- "Bighorn River Basin" Report No. 11
5. Landsat III -- 1980 scenes (data used and copied in the office)
6. Analysis done by staff -- comparing "actual irrigation vs. rights" for Owl Creek and Nowood River

Coordination Activities

The Water Development Commission assisted in the coordination of water planning, development, and use through regular participation in the meetings and activities of the Water Forum, the Institute for Energy and Environment, the Energy Education Network, and the Wyoming Water Development Association.

Problems

A. Lack of policy, priorities or philosophy to guide development. Currently there are no established policies, priorities or philosophies to guide the Commission in evaluating requests for development assistance and feasibility studies. Whether there should be a state water policy guiding development decisions, or whether the Commission should undertake all proposed development activities has been a major issue of concern. Since the Commission has no firm guidelines, it is difficult for them to act on individual project applications which may represent competing or conflicting interests or water use philosophies. An example is the competition between agriculture, industry, and municipalities for limited water rights.

B. Delay in processing project applications. The Commission had received seventeen project feasibility applications as of June 30, 1981. No action has been taken on eleven of those applications. Some applications have been pending for six to eighteen months.

There are several apparent reasons for this backlog of project applications.

- The Commission has insufficient funding available to complete even a portion of the pending studies.

- Neither the legislature nor the governor has developed policy and priority guidelines for the Commission's use in selecting projects for study.

- The legislature has given the Commission mandates to perform certain studies instead of freeing the Commission and its staff to plan for the best interests of the state at large.

C. Staffing. While the present staff of the Commission is adequate to process project applications, manage the groundwater grant program, and provide a limited response to legislative requirements for planning and development, additional assignments will require additional staff. At current levels of work load, staff is shifted from assignment to assignment on a crisis-response basis, which delays action on all fronts. Expansion, reorganization, or prioritization of projects is necessary if the Commission is to fulfill its dual responsibilities of planning and project development. Two divisions are needed within the staff, a planning section to conduct planning studies and update the state water plan, and a project section to promote development, process applications, and manage feasibility studies. At least three more professional staff members are required.

D. Legislative directives and assignments. The legislature has authorized projects and assigned feasibility studies to the Commission with little regard for the realities of time restraints. Because of the limited staff, almost all studies must be let to consultant firms. State law and administrative policies require a lengthy bidding process. Field studies of major projects, from preliminary site visit to final report, may require a year or more to complete. Some portions of the study may be seasonal and cannot be completed out of cycle. Shifting legislative priorities and

new assignments have resulted in delays and increased demands on staff resources.

Staff shortages have been further complicated by additional legislative programs. The groundwater grant program has required a full-time person since May. The program demands will increase when awards are made and 15 to 30 individual grant-funded groundwater projects must be supervised by Commission staff.

E. Federal constraints on water development. The water law of Wyoming is embodied in the state constitution, wherein it is declared that the state owns and controls the water within its boundaries.

Wyoming water law has developed through the natural growth of custom and experience and reflects the realities of life in an arid region. The 1902 Reclamation Act (Act of June 17, 1902, 32 Stat. 388, 43 U. S. C. 372, et seq) established a partnership between the federal government and the states. The federal government would build and operate reclamation projects, and the states would control the acquisition, distribution and use of water.

While state laws may not override congressional objectives in the federal reclamation laws, state law is applicable where no conflict exists with federal law. Congress has clearly shown a policy of deferring to state law on the acquisition, control and distribution of water.

Despite the long history of congressional deference to state water law, federal agencies have seemed intent on using federal environmental laws in total disregard of state authority. Federal attempts to limit state water rights can be summarized as follows:

1. Federal and Indian Reserved Rights - These rights are being adjudicated in the Bighorn River basin. The effect of the litigation has been to limit the water development until the situation is resolved.

2. Federal Environmental Regulations. Some examples of federal statutes have acted as a constraint on water development include:

a. Clean Water Act

- NPDES Program: regulates the discharge of pollutants through a point source.

- Section 404 Dredge and Fill Permits: a permit is required for any discharge of fill material or removal by dredging any material from streams.

b. NEPA (National Environmental Protection Act): NEPA is an example of a federal statute which may be incorporated by reference into regulatory programs. An environmental impact statement may be required to be prepared, for example, by their permitting agency in case of §404 permits.

c. Endangered Species Act: Under authority of Section 7(a) a federal action must be carried out in such a manner as to not

jeopardize the continued existance of any endangered species, or result in the destruction or adverse modification of habitat of such species.

d. Fish and Wildlife Coordination Act: This act required consultation on almost any water project with the U.S. Fish and Wildlife Service "with a view to the conservation of wildlife resources". Mitigation of adverse fish and wildlife impacts and maintaining minimum streamflows for fish and wildlife are frequently required.

It is the Commission's position that these federal laws should not be used to stop or prohibit or unduly delay water projects. Rather, affirmative environmental practices could be imposed or practiced.

Affirmative preservation techniques should be emphasized by federal agencies.

F. Inadequate funds for development. The figures on pages 21 and 22 are a break-down of revenues available for water development, and a summary listing of requests currently before the Commission. Obviously there is a shortage of project development funds. See Figures 2 and 3, pages 21 and 22.

G. Inadequate funds to respond to feasibility study requests. Because of its small staff and many responsibilities, the Commission has relied heavily on consultants to perform at least the technical aspects of feasibility studies. Appropriations from the general fund for feasibility studies have been inadequate, which has contributed to the time lag in processing project applications.

H. Lack of centralized authority and coordination. Many state agencies, WWDC, State Engineer, DEPAD, DEQ, Game and Fish, Agriculture Department to mention a few, have responsibilities for water planning and development. There is often a lack of coordination among these agencies, which could be resolved by the creation of one cabinet-level agency with ultimate authority for all water-related activities.

FIGURE 2
ESTIMATED REVENUE AND INTEREST GENERATED
BY 1½% COAL SEVERANCE TAX
BY 1985

As of July 1, 1981	$24,383,054
Income	
1981	8,589,728
1982	13,144,950
1983	16,160,700
1984	19,170,450
1985	22,838,400

Assuming this flow of income and interest at 12% per year in 1985 the total estimated revenue with no withdrawals would be $135,932,305.

BY 1/12 OF 2% OIL AND GAS SEVERANCE TAX
BY 1985

FY 1982	$ 6,607,327
1983	8,437,750
1984	9,237,198
1985	10,359,125

Assuming this flow of income and interest at 12% per year in 1985 the total estimated revenue with no withdrawals would be $40,571,920

Source: LSO and DEPAD Minerals Division

1985	
Coal Severance tax revenue	$134,932,305
Oil & Gas Severance tax revenue	40,571,920
Total tax revenue	$175,504,225
Total tax revenue	$175,504,225
Less estimated cost of projects and applications	761,530,000
Revenue Shortfall	$(586,025,775)

FIGURE 3
POTENTIAL OR SUBMITTED PROJECTS

Projects	Estimated Construction Costs
Little Snake River Water Management Project	
1. Alternative A	$103,999,124
2. Alternative B	$112,946,567
3. Alternative C	$102,544,530
4. Alternative D	
Option 1	$155,562,550
Option 2	$169,329,180
Option 3	$199,082,410
Option 4	$202,882,241
Little Big Horn Project	
1. Alternative 1	$109,240,000
2. Alternative 2	$143,940,000
3. Alternative 3	$ 83,000,000
4. Alternative 4	$ 94,840,000
5. Alternative 5	$102,740,000
Kemmerer	$ 11,000,000
Deer Creek	$ 22,000,000
Hawk Springs	$ 2,500,000
Gooseberry	$ 1,756,920
Pathfinder I. D.	$ 110,000
Casper Aquifer Test	$ 450,000
Buffalo	$ 3,000,000
Westside	$ 28,121,000
Cadiz	$100,000,000
Riverton Valley, I. D.	$ 2,500,000
Iron Creek Dam	$ 30,000,000
Buffalo Bill	$ 80,000,000
Crystal-Granite	$ 16,000,000
LaPrele I. D.	$ 2,000,000
Corn Creek I. D.	$ 38,000,000
Cottonwood	$ 300,000
West Fork Bear River	$ 5,000,000
Bluehole Reservoir	$156,000,000
Seminoe Reservoir	$8-25,000,000

Range	
Low	High
$692,282,410	$809,620,121

41-1-106. Water and related land resources planning; commission's responsibility.

(a) The commission is responsible for the coordination of Wyoming's water and related land resources planning and with the approval of the governor is authorized to enter into contracts and agreements with the United States of America or its duly authorized representative agency for planning pertaining to the utilization of Wyoming's water and related land resources.

41-2-107. Water resources plan; review, submission to commission. The commission shall formulate and from time to time review and revise water and related land resources plans for the state of Wyoming and for appropriate regions and river basins. The plans shall implement the policies stated in the Wyoming constitution and in statutes pertaining to the state's water and related land resources.

41-2-108. Consultation; hearings, studies and plan coordination.

(a) In the formulation of these plans the commission may:

(ii) Consult with and receive the views of persons, local groups and organizations representing water users, special interests, industries and the public interest, and acquire data and information relating to water, water use, water conservation, and water quality from government agencies, departments, and other sources;

(iii) Coordinate the water resources plans with other government agencies and departments;

(iv) Undertake studies, investigations, surveys and research relevant to the formulation of the water resources plans and enter into contracts and arrangements for the same with any government agency, department, or any person, firm, university, institution, or state or national organization;

(v) Adopt, in whole or in part, studies and reports made by other governmental agencies, state or federal; and

(vi) Perform other related activities or functions as are relevant and appropriate to the formulation of water resources plans.

41-2-109. Content of plans; identification; evaluation.

(a) The water resources plans shall, to the extent deemed practical:

(i) Identify, describe and inventory the occurrence, amounts, availability and quality of water resources, current uses of water, activities that affect the quality of water, and activities that are dependent on, affected by, or relate to water and uses of water;

(ii) Identify and describe prospective needs and demands for water and opportunities for water development, control, withdrawal, storage, conservation, supply, distribution, drainage and disposal;

(iii) Identify and specify for each plan appropriate state, regional and local goals and objectives for management of water resources, including the obtaining of economic efficiency and a desirable distribution of income, the protection of the health, safety and welfare of the people, the protection and encouragement of particular industries and activities, the protection and enhancement of the environment and recreation; and

(iv) Evaluate and compare prospective and anticipated uses and projects, including combinations and coordinations thereof, uses of alternative sources of water and alternative uses of water, in terms of goals identified pursuant to paragraph (iii) of this subsection.

41-2-110. Use of plans; publication; recommendation and employment of plans.

(a) The commission shall:

(i) Publish the water resources plans as they are formulated and adopted and disseminate them to people, industries and government departments and agencies;

(ii) Give advice and assistance if requested to government departments and agencies, furnish to them the appropriate plans, and make available related subsidiary and additional data and information, or data and information related to plans in the process of preparation;

(iii) Recommend action or legislation needed to implement and carry out the plans.

41-2-112. Wyoming water development program. The Wyoming water development program is established to foster, promote and encourage the optimal development of the state's human, industrial, mineral, agricultural, water and recreational resources. The program shall provide through the commission, procedures and policies for the planning, selection, financing, construction, acquisition and operation of projects and facilities for the conservation, storage, distribution and use of water, necessary in the public interest to develop and preserve Wyoming's water and related land resources. The program shall encourage development of water facilities for irrigation, for reduction of flood damage, for abatement of pollution, for preservation and development of fish and wildlife resources, for protection and improvement of public lands and shall help make available the waters of this state for all beneficial uses, including but not limited to municipal, domestic, agricultural, industrial, hydroelectric power and recreational purposes, conservation of land resources and protection of the health, safety and general welfare of the people of the state of Wyoming.

41-2-114. Feasibility studies

(a) The commission shall, on the basis of the state water plan and

after consultation with and advice from state agencies and officials, other appropriate agencies and officials and members of the public, identify and select projects to be studied for their feasibility and the desirability of their inclusion in the Wyoming water development program.

(b) The commission shall provide a feasibility study of each project selected. State agencies are authorized and directed to cooperate fully with the commission in the preparation of the studies. In the execution of these feasibility studies, the commission shall:

(i) Receive and acquire data relating to water, water use and water quality from any source as it relates to the project;

(iii) Hold public hearings within the basin of origin water division where the proposed project will be wholly or partly constructed, consult with and receive the views of private persons, local groups, associations and organizations representing water users, industries and the public interest;

(iv) Coordinate the feasibility studies with the plans of other government agencies and departments;

(v) Undertake studies, investigations, surveys and research relevant to the completion of the study and enter into contracts and arrangements for its completion with any government agency, department or any person, firm, university, institution or state or national organization; and

(vi) Undertake studies, investigations, surveys and research relevant to outright purchase by the state of Wyoming of water interests from the federal government;

(vii) Perform any other related activities or functions relevant and appropriate to the completion of the feasibility study.

(c) The feasibility study shall:

(i) Identify, describe and inventory the occurrence, amounts, availability and quality of water resources, current uses of water, activities that affect the quality of water and activities that are dependent on, affected by or relate to water and uses of water;

(ii) Identify and describe prospective needs and demands for water and opportunities for water development, control, withdrawal, storage, supply, distribution, drainage, minimum flows, disposal and conservation;

(iii) Identify and specify appropriate state, regional and local goals and objectives for management of water resources, including the obtaining of economic efficiency, a desirable distribution of income, the protection of the health, safety and welfare of the people and the protection and encouragement of particular industries and activities including the protection and enhancement of the environment; and

(iv) Evaluate and compare prospective and anticipated uses and projects in terms of goals identified pursuant to paragraph (iii) of this subsection.

41-2-115. Report; authorization; assignment.

(a) The commission shall after giving public notice hold a public hearing within the affected water division. Any interested person, association or state, or federal agency may appear and participate as a party. Following the hearing the commission shall make public a report of their findings relative to whether the project is in the public interest, stipulating if the proposed project functions and services can be served by any person, association or corporation engaged in private enterprise, or if private enterprise has refused to provide the functions and services identified as being required by the proposed project. The commission shall then proceed as set forth in subsections (b) and (c) of this section. Nothing in this section shall be construed to interfere with the duties of the state engineer or the state board of control.

(b) The commission shall within ninety (90) days following the public hearings transmit its findings and recommendations to the legislature together with draft legislation authorizing the department of economic planning and development to proceed with the design and construction of the project. The draft shall provide for financing of the project by the issuance of revenue bonds payable out of income and revenues of any kind from the project, by appropriation of funds from the state treasury as matching funds or for costs or allocation of costs of features, facilities, functions or portions of a project for which reimbursement from water users is inappropriate or impossible, by use of revolving funds available for the purpose, by use of the Wyoming water development account or other specified method of payment.

(c) If the commission finds that a project is desirable and in the public interest, and that some other governmental agency, public district or private corporation or association is desirous and capable of constructing, operating and maintaining the project and accomplishing the public interest to be served thereby, the commission with the approval of the governor and the legislature, shall transfer or assign the project and any property or rights connected therewith to the agency, district, corporation or association upon agreed terms for reimbursement of the expense of the feasibility study, payment for property and assurances of construction, operation and maintenance.

APPENDIX B
WATER PROJECT APPLICATION PROCEDURE
OF
WYOMING WATER DEVELOPMENT COMMISSION

It is the policy of the Water Development Commission to give consideration to all water development projects that are submitted to the Commission. To ensure uniform treatment of all new projects, the Commission has adopted the following nine step procedure. All new water development projects must follow this procedure.

Step #1 - Sponsors of a particular project will apply to the Administrator of the Wyoming Water Development Commission, 4th Floor, Barrett Building, Cheyenne, Wyoming 82002 on a form furnished by the Commission stating:

(a) Project location;
(b) The nature and ultimate purpose of the project;
(c) The sponsors or legal entity sponsoring the project such as an irrigation district, conservancy district, non-profit corporation, city or other;
(d) The probable supporters and the probable opponents;
(e) The benefits and need;
(f) Possible detriments, legal problems, or objections;
(g) Previous studies and attempts to develop the project;
(h) Answers to additional questions which may be requested by the Administrator, or incorporated in the application form.

The Administrator will record the date of receipt of the application and number the same in chronological order, and acknowledge receipt of same, explaining future procedure in a letter to the applicant.

Step #2 - The Commission Administrator will then examine the application and the Commission file and contact the Commission Advisors for future information on the merits and demerits of the proposal. He will then assemble the report of the Advisors and additional information relative to water rights, water supply, environmental considerations, legal problems, permits, and other information available to his office and send the information to the other members of the Commission. The Director will record the date of the completion of Step No. 2 and the mailing date.

Step #3 - Upon receipt of the material, the two Commission members representing the district in which the proposal is located will make contact and determine if a personal conflict of interest exists. If a conflict does exist call shall be made first upon the Commissioner-at-large and second, upon the Chairman for replacement. The two chosen for project evaluation shall determine by lot or otherwise which of the two shall take primary responsibility to keep the project on track and on time. The one chosen shall contact the sponsoring entity or individuals, the Division Superintendent, the District Water Commissioner, and others he deems necessary and arrange for an informal meeting to discuss problems and possible solutions. The Commissioner shall then make a written

report to the Commission with recommendations that the proposal be placed in active or inactive file and request agenda time to make the report to the full Commission. Other members may elect to file reports with equal consideration. Preference shall be given in the allotment of agenda time at the first meeting of the Commission following the submission of the written report to the Commissioner with primary responsibility for Step No. 3.

Step #4 - Following the report or reports of Step No. 3, preference for agenda time will be provided by the Commission for project sponsors of projects of which written Step No. 3 reports have been filed. A decision by the full Commission to place the project in an inactive status or pursue further will be made. If placed in inactive status no further action will be taken. A project may be reconsidered at any time. Projects will not be permitted agenda time without a two-thirds majority vote of the full Commission until they have been processed by methods outlined in Steps 1, 2, and 3.

Step #5 - If the Commission decides to pursue the project, Legislators of the Water Division, together with the public, will be invited to participate in an informal discussion of the project in an open public meeting in the affected water division to discuss the decision of the Commission.

Step #6 - The Wyoming Water Development Commission authorizes the preparation of a feasibility report and the preparation of a financing plan as prescribed in W.S. 41-2-114 and W.S. 41-2-115.

Step #7 - The Commission holds formal public hearings in the affected water division as prescribed in W.S. 41-2-114 and W.S. 41-2-115.

Step #8 - The Commission makes a final determination on the project.

Step #9 - The sponsors assume responsibility for gaining legislative enactment of the proposal with support from the Wyoming Water Development Commission.