



# Wyoming Water Flow

*Water is Wyoming's Gold!*

Volume LXVIII, Issue I

Spring 2008

**Mark your Calendars now!**  
**WWA Annual Meeting and Educational Seminar**  
**October 29-31, 2008**  
**Casper, Wyoming**

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## Wyoming's 2008 Legislative Session

Following is a summary of bills relating to water issues that were addressed by the Wyoming Legislature during the 2008 Budget Session. These summaries are simply an overview and are not meant to address all aspects of a bill. The entire bill should be read if a person wishes to know its full contents and effect. All bills can be found at <http://legisweb.state.wy.us/2008/billindex/BillCrossRef.aspx?type=HB>.



**Senate File 11 — Large Parcel Subdivisions.** This bill allows for regulation by counties of subdivisions creating thirty-five to one-hundred forty acre parcels, and requires recordation of subdivided lots sold under contract for purchase. The Governor signed the bill into law on March 12, 2008.

**Senate File 46— Discharged Water Management.** This bill provides for the management of surface water discharges, authorizes DEQ to issue general permits for discharged water, provides for the State Engineer to manage stream channels affected by surface water discharges from coalbed methane natural gas wells,

authorizes construction to limit effects of excess surface water discharges from coalbed methane water, provides for rulemaking authority to the State Engineer, provides for a review process, for enforcement and for penalties. The bill failed on third reading in the Senate.

**Senate File 56— Omnibus Water Bill— Construction.** This bill contains the annual authorization for the Level III construction of water projects that have previously completed the Level I and Level II stages. Please see the bill for the numerous appropriations it contains. The Governor signed the bill into law on March 12, 2008.

**House Bill 18— State Engineer Rule-making Authority.** This bill grants general rulemaking authority to the State Engineer for weather modification and temporary water rights for construction of highways, railroads, reservoirs, ditches, canals or other distribution works and ratifies existing rules. Failed introduction in the House.

**House Bill 55— Water Well Drilling and Pump Installation Licensure.** This bill provides for the licensure of water well drilling contractors and water well pump installation contractors, estab-

*(Continued on page 2)*

## Wyoming Water Association Retains Administrative Consultant

During the 2007 Annual Meeting and Education Seminar, the Wyoming Water Association ("Association") Board initiated action to launch the Association toward new horizons. As part of this initiative, the Association Board discontinued the Executive Secretary position and entered into a relationship with an Administrative Consultant.

After reviewing applications, and taking those progressive steps, a contract was formalized with Karriet, LLC, a private consulting service located in Cheyenne.

Karriet, LLC is staffed by Harriet M. Hageman, Kara Brighton and Kim Erickson. This limited liability company was formed in 2004 to provide consulting services in the field of water and natural resources. Formalizing a contractual arrangement with



WWA Administrative Consultants—Harriet M. Hageman and Kara Brighton

Karriet is an excellent opportunity for the Wyoming Water Association to cultivate and promote its mission and vision.

Karriet will be actively involved with the routine business of the Association. They will be publishing the newsletter, maintaining the mailing list, assisting with mem-

bership notices, publishing brochures, and preparing for meetings, events and other Association activities.

They will also provide activity reports, handle files, documents and other materials, take care of mail and also maintain the website, all which is vital to the Association.

Ms. Hageman, Ms. Brighton, and Ms. Erickson provide a professional face to the WWA. They have a well equipped Cheyenne office that is strategically located near the center of Wyoming governmental functions. They also are very familiar with the entire state and have been on the forefront of Wyoming water issues for many years.

We welcome our Administrative Consultants and look forward to having Karriet, LLC assisting the Wyoming Water Association.

## 2008 Legislative Session (cont.)

*(Continued from page 1)*

lishes licensing procedures, provides for license fees, provides for examination and continuing education requirements, provides for reciprocity, provides for license revocation and suspension, provides for penalties and provides for sunset of some provisions. The Governor signed the bill into law on March 12, 2008.

**House Bill 88—Omnibus Water Bill—Planning.** The bill contains the annual authorization for Level I and Level II water development studies and provides appropriations therefor.

Please see the bill for the numerous appropriations it contains. The Governor signed the bill into law on March 4, 2008.

**House Bill 89—Ownership of Subsurface Pore Space.** This bill would adopt the "American Rule" by specifying that subsurface pore space are owned by the surface estate owner. The bill also specifies: the applicability and legislative intent of the act; notice requirements; and, the effect of ownership of subsurface pore space. While this bill is independent of the carbon sequestration bill, the issues are

related. The Governor signed the bill into law on March 4, 2008.

**House Bill 90—Carbon Capture and Sequestration.** This bill would require the regulation of carbon dioxide injection and storage by the Department of Environmental Quality (DEQ) and specify the activities that are subject to DEQ's regulation while distinguishing specified drilling activities that remain subject to regulation by the Oil and Gas Conservation Commission. The Governor signed the bill into law on March 4, 2008.

## WWA Announces 2008 Scholarship Competition

The Wyoming Water Association ("WWA") is offering one or more scholarships to high school seniors or college students for their use while attending a Wyoming college or the University of Wyoming.

The WWA's Scholarship Committee shall determine the distribution of the \$3,000 allocated, with no one scholarship exceeding \$1,000. Eligibility is limited to children, grandchildren and wards of WWA members.

To participate, entrants must complete the scholarship application form, the required essay and sign the form.

The essay topic this year is "What role might water play in the Renewable Energy Arena". The

essay must be less than 500 words in length and must be submitted in typed or printed format. Complete rules and an application form may be



found on the WWA website. The competition is open to high school seniors and to students already in college who have not completed their degree. Students must use the scholarship at a Wyoming institution.

**Scholarship applications are due no later than April 15, 2008.** Forms should be mailed to Mr. Evan Simpson, Chairman, WWA Scholar-

ship Committee, PO Box 609, Afton, WY 83110.

On or before April 20, 2008, applications will be reviewed by the Scholarship Committee and will account for 40% of the final score. At the same time, unidentified copies of the essays will be distributed to the Essay Review Committee and will account for 60% of the final score. Mr. Simpson will compile the scores for each applicant. The Scholarship Committee will make its selection of the recipient(s) before May 15, 2008.

Scholarship recipients are required to attend the Association's Annual Meeting Banquet in October in Casper to be recognized for receiving the scholarship award and to read aloud their winning essay.

## WWA Board of Directors

<i>2008 WWA Officers</i>		
President	Ron Cunningham	
1st Vice President	Nick Wambeke	
2nd Vice President	Tim Wilson	
Treasurer	Jack Meena	
Secretary	Ron Vore	
Past President	Alan Dugan	
Agriculture	Neal Payne Bryant Startin	Klodette Stroh Lee Arrington
Industry, Business & Education	Wendy Hutchinson Robert Johnson	Evan Simpson Don Brosz
Recreation & Conservation	Kathy Buchner Tom Annear	Scott Yates Barry Lawrence
Labor & Civic	Mark Pepper	Marge Bedessem Frank Grimes
Local Government	Mike Cole John Maier	David Hill Robert Taylor

## Wyoming Legislature Approves 2008 Interim Committee Studies

The Fifty-Ninth Wyoming Legislature has approved numerous Interim Committee Studies for 2008. This article highlights only those studies that relate to water resource issues. A complete list and description of the interim studies can be found at: <http://legisweb.state.wy.us/2008studies.htm>.

The Joint Agriculture, State and Public Lands and Water Resources Interim Committee ("Joint Ag Committee") received a standard budget of \$25,000 to pursue two priority issues: (1) Water and Water Management; and (2) Agency Issues. For its first priority, the Committee will continue its study of state water issues and address the need for water management. The Committee will consider coalbed methane discharges and their effects to agricultural lands. The Committee will continue its study of state water resources, including management of streams and rivers, updates and conditions of irrigation systems, the effects of subdivision laws on irrigation districts, reservoir enlargements and water conservation measures.

The Joint Ag Committee will also be addressing agency issues in the Department of Agriculture, State Forestry and the Livestock Board. In the Department of Agriculture, the Joint Ag Committee will continue its review of current laws in several areas, such as fuel quality and blends, pesticides, fertilizers, prairie dog damage, cottage food industry, sustainable agriculture and unfair trade practices. In the State Forestry agency, the Committee

will consider the statewide assessment and look at timber issues in the various areas of the State. For the Livestock Board, the Joint Ag Committee will review and consider animal welfare statutes and consider disease outbreak response and notification systems.

The Joint Ag Committee has already scheduled its first meeting to be held in Saratoga on April 28 and 29. The second 2-day meeting will be held in Green River in either September or October. Part of each meeting will be devoted to a field trip to acquaint the Joint Ag Committee members with various issues.

The Joint Judiciary Interim Committee will be studying, among other issues, Carbon Capture and Sequestration. The Committee was assigned carbon capture and sequestration as a topic last interim because of its importance to the energy industry in Wyoming. While the Committee successfully sponsored legislation in the 2008 Budget Session to address ownership of pore space and the regulation of carbon capture and sequestration, there remain other issues that the Committee may still need to review, including eminent domain and forced pooling issues. The Legislature must be prepared to respond to potential regulations the Environmental Protection Agency may promulgate this year relating to carbon capture and sequestration.

One of the Joint Corporations, Elections and Political Subdivisions Interim Committee's priorities is to consider providing a mechanism to encourage cluster developments through issuance of subdivision permits and streamlin-

ing the subdivision permitting process.

The Joint Minerals, Business and Economic Development Committee will study several issues, including coalbed methane water discharge. The Committee will work with the Wyoming Pipeline Authority, the Department of Environmental Quality and the State Engineer's Office when considering the water issues.

The Select Water Committee is required by statute to monitor the water development program, review project contracts and prepare annual legislation. The Select Water Committee is also required by statute to review and make recommendations regarding the project funding list under the Safe Drinking Water Revolving Fund program. The Select Water Committee has already tentatively scheduled the following interim meetings: June 4-5; August 20-22; November 5-7; and December 17-18.

The Select Natural Resource Funding Committee will meet, pursuant to statute, to review projects funded from the wildlife and natural resource trust income account and monitor activities of the wildlife and natural resource trust account board.

The Select Committee on Tribal Relations will continue to monitor and facilitate the provision of state services on the Wind River Indian Reservation. Such services include ongoing projects by the Wyoming Department of Transportation, the Public Service Commission, the State Engineer and the Wyoming Water Development Office.

# The Water Planner

<b>April</b>	<b>10-12</b>	Wyoming Association of Municipalities Meeting in Sheridan
	<b>16-17</b>	Yellowstone River Compact Commission Meeting in Cody
	<b>22</b>	Bear River Commission Meeting in Salt Lake City, UT
	<b>24-25</b>	Wyoming Water Law Conference, CLE International; Little American Hotel, Cheyenne
	<b>28-29</b>	Joint Agriculture, State and Public Lands and Water Resources Interim Committee Meeting in Saratoga
<b>May</b>	<b>5-8</b>	WWDC Consultant Selection Interviews
	<b>6</b>	Water Forum, State Engineer's Office in Cheyenne
	<b>9</b>	Wyoming Water Development Commission Meeting in Cheyenne
	<b>21-22</b>	Missouri River Association of States and Tribes Meeting in Great Falls, Montana
	<b>22</b>	Green River Basin Advisory Group Meeting in Lyman
	<b>29-30</b>	Colorado River Basin Salinity Control Forum in Montrose, Colorado
<b>June</b>	<b>4-5</b>	Select Water Committee Meeting in Cheyenne (5th is Joint Meeting with WWDC)
	<b>25</b>	Green River Basin Advisory Group Meeting in Kemmerer
	<b>26-27</b>	Upper Colorado River Commission Meeting in Glenwood Springs, Colorado
<b>July</b>	<b>18</b>	Wyoming Water Association Summer Tour in Sheridan
<b>August</b>	<b>15</b>	WWDC—New Project Applications Due
	<b>20-22</b>	Select Water Committee Meeting in Alpine (22nd is Joint Meeting with WWDC)
	<b>26-27</b>	USGS Cooperators Meeting in Cheyenne
	<b>27-28</b>	Missouri River Association of States and Tribes Meeting in Cheyenne

## Wyoming Water Development Program Seeks to Revise Operating Criteria

The Wyoming Water Development Program submitted proposed revisions to the Operating Criteria ("criteria") on October 1, 2007. Additional revisions were made following the 2008 Session of the Wyoming Legislature. Written comments on the revised Criteria will be accepted through May 31, 2008. The WWDC and Select Water Committee will meet on June 5, 2008 to consider the proposed revisions.

The Criteria provide the WWDC and the public with general standards for evaluating and prioritizing applications for program funding, a general framework for the development of program/project recommendations, and the generation of water related information. The criteria are not intended to be inflexible, but rather to provide general guidelines for use in the decision-making process.

The most current draft of the Criteria is dated March 7, 2008, and contains numerous changes to the previous revision. Following is a summary of some of the revisions; although not all changes are discussed.

Under the new Criteria, projects in the New Development Program can be placed in five categories on the basis of need: (1) projects developing water for present and future needs of the project sponsors; (2) projects that could be expanded for purposes and needs beyond those of the project sponsor; (3) projects capable of developing water for secondary benefits; (4) projects development water for which there is not a presently defined purpose; and (5) projects which may prove feasible in the future.

The new Criteria also allow rural domestic water supply systems to be included in the Rehabilitation Program, in addition to an existing municipal system or agricultural storage facility.

While the revised Criteria do not add to or reorder the priorities of projects, the Criteria have been revised to provide additional information on determining such priorities.

In the funding procedures section of the Criteria, revisions have been proposed that provide for a waiver of the requirement that the project sponsor be a public entity. The revised Criteria allow the WWDC to accept applications for Level I studies from applicants that are not public entities so that they may determine whether a project is viable prior to becoming a public entity. Under these circumstances, the Level I process will have a two-year duration, with the study being completed the first year and the sponsor forming a public entity in the second year. The revised Criteria also allow the WWDC to accept applications related to the construction of dams and reservoirs from applicants that are not public entities to determine whether the proposal is feasible before forming such an entity.

The proposed Criteria also add information regarding the "financial plan" provisions for dams/reservoirs and subdivision or rural domestic projects. The financial plan considerations for dams and reservoirs allows the WWDC to pay for costs related to permitting/design and for the storage capacity needed to provide water for environmental mitigation and enhancement. The financial plans for subdivisions or rural domestic projects support the concept of regional solutions to water supply problems and ensure that the developer of the subdivision does not receive a "windfall" from project funding provided by the WWDC.

The entire draft Criteria can be reviewed at <http://wwdc.state.wy.us>. The proposed changes are shown in bold font and are underlined for ease of review. Written comments should be sent to the Wyoming Water Development Office at 6920 Yellowtail Road, Cheyenne, WY, 82002.

## Summer Tour 2008: Sheridan, Wyoming

The Wyoming Water Association Board of Directors voted to hold this year's summer tour in the Sheridan area of Wyoming to allow the membership to learn about some of the issues relating to Lake DeSmet and other irrigation projects that play a role in the region's water issues.

On **Friday, July 18th**, the Association will be taking a day long tour of various water related activities in the area. While arrangements are still being made, it is anticipated that we will leave in the morning from Sheridan via caravan. After stopping at several locations during the morning, we will break for a box lunch at Lake DeSmet. The tour will continue into the middle of the afternoon, ending back in Sheridan.

Mark your calendars for what is sure to be an enlightening tour! Additional information will be mailed to the membership when the tour is finalized.

## WWA Sets Summer Board Meeting



Thursday, July 17th at 6 p.m., the Wyoming Water Association will hold its Summer Board Meeting in Sheridan, Wyoming. Agenda items are expected to include a legislative session review, planning for the annual meeting and educational seminar, a review of scholarships awarded, committee reports, and last minute details of the next day's member tour.

As always, WWA members are invited to attend. Watch for additional details regarding this meeting!

## The State Engineer's Office and Board of Control 2009-2012 Strategic Plan

On August 31, 2007, State Engineer Patrick Tyrrell issued the "Strategic Plan for the Wyoming State Engineer's Office and Wyoming State Board of Control" ("Plan") for planning period July 1, 2008 through June 20, 2012. These agencies are required to update strategic plans pursuant to W.S. 28-1-115.

The Plan contains a summary of the agency's mission, vision and philosophy, as well as details of the Plan. The Plan also includes agency projections for the 2011-2012 Biennium and organizational charts of the agencies.

The Plan includes seven performance measures aimed at improving customer service in permitting and field administration:

1. Process Surface Water Applications within 9 Months of Receipt.
2. Process Ground Water Applications within One Month of Receipt.

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3. Process Board of Control Petitions within One Year of Receipt.

4. Increase Percentage of Decisions that are Upheld on Appeal.

5. Respond to Stream Regulation Calls in Two Business Days or Less

6. Increase Number of Division II Reservoirs that are Inspected Annually.

7. Complete Water Right Adjudications within Two Years of Date of Acceptance.

The SEO intends to achieve the following major accomplishments by 2012: resolution of the Montana v. Wyoming litigation; full data conversion of water rights into the agency's GIS; continued management of CBNG development; and strengthening of interstate stream relationships.

The entire Plan can be found at the Wyoming State Engineer's Of-

## 2008WWA Membership Dues Payable Now



The Wyoming Water Association supports activities solely on membership dues and contributions. Last year's activities included educational opportunities, legislative reviews, scholarships, newsletters, a summer tour, an annual conference and email notifications. Individuals who attended the WWA Annual Meeting and/or Educational Seminar received a complimentary membership for the 2008 calendar year. Those not able to attend the conference have received an invoice for 2008 year dues. A dues form is included in this newsletter.

## Wyoming Basin Outlook Report

(Continued from back page)

**Shoshone River Basin**—SWE was 93% of average in March, but had increased to 102% of average in the April 1 Snow Precipitation Update. Precipitation in March was 111% of average and the year-to-date percentages ranged from 95-145% of average for the twelve reporting stations. Storage in Buffalo Bill Reservoir was 111% of average.

**Powder-Tongue River Basins**—SWE in the Upper Tongue River drainage was 97% and in the Powder River Basin it was 101%. March precipitation was 98% of average for the ten reporting stations. The Tongue River Reservoir was at 65% of capacity, 208% of average and 99% of last year. The April 1 Snow Precipitation Update reports SWE at 112% of average.

**Upper North Platte River Basin**—Snotels above Seminoe Reservoir showed about 108% of average SWE while the Medicine Bow and Rock Creek drainages SWE was about 90% of average. The entire basin SWE is reported as 111% in the April 1 Snow Precipitation Update. Precipitation in March was 129% of average, but varied from 17—170% around the basin. Seminoe Reservoir was estimated to be storing 18% of capacity, which is 35% of average and 70% of last year.

**Lower North Platte River Basin**—SWE for the this basin was 104% of average in March and reported to be 94% of average in the April 1 Snow Precipitation Update. March precipitation was 102% of average or 120% of last year's amount for the fifteen reporting stations. The basin reservoir storage was below average at 48%.

**Upper Green River Basin**—The SWE in March was below average in March and reported to be 91% of average in the April 1 Snow Precipitation Update. The twelve reporting sites were 103% of average and the water year-to-date precipitation was about 97% of average. The Big Sandy Reservoir was storing 29% of capacity and 58% of average, while Fontenelle Reservoir was storing 32% of capacity and 71% of average.

**Lower Green River Basin**—The April 1 Snow Precipitation Update reports the basin's SWE at 101% of average. Precipitation was above average in March for the four reporting stations at 105% of average and 202% of last year. Viva Naughton Reservoir was storing 66% of capacity, which is 97% of average.

More information can be found at: [www/wrds.uwyo.edu/wrds/nrcs/snowprec/snowprec.html](http://www/wrds.uwyo.edu/wrds/nrcs/snowprec/snowprec.html)



# Wyoming Water Association 2008 Membership Form

*Water is Wyoming's Gold!*

The WWA Board has established the following dues schedule for calendar year 2008:

STUDENT .....	15.00
INDIVIDUAL.....	\$35.00
<b>BUSINESSES:</b>	
Small.....	\$50.00
Medium.....	\$100.00
Large.....	\$250.00
ASSOCIATIONS.....	\$50.00
CONSERVATION DISTRICTS.....	\$25.00
IRRIGATION DISTRICTS.....	1 cent/acre..Minimum \$50.00
DRAINAGE DISTRICTS.....	1 cent/acre..Minimum \$50.00
SPECIAL DISTRICTS (W&S, I&S, etc).....	\$50.00
<b>MUNICIPALITIES:</b>	
100 to 1,000 population.....	\$100.00
1,001 to 5,000 population.....	\$200.00
5,001 and over.....	\$300.00
COUNTY GOVERNMENTS.....	\$250.00
JOINT POWERS BOARDS.....	\$300.00

Please fill out the following form and return it to the WWA today with your dues payment.

**Yes, Please renew my WWA membership for the 2008 Calendar Year.**

NAME \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_ E-MAIL \_\_\_\_\_

AMOUNT ENCLOSED \$ \_\_\_\_\_

**PLEASE MAIL YOUR DUES PAYMENT TO:**

**WYOMING WATER ASSOCIATION  
PO BOX 21701  
CHEYENNE, WY 82003-7032**

Signature \_\_\_\_\_

If you have any questions about WWA activities, or about your dues, please call the WWA at 307-286-8614, or email [wwa@wyoming.com](mailto:wwa@wyoming.com) **THANK YOU FOR YOUR SUPPORT!**

**Important Note:** If you attended the 2007 WWA Annual Meeting and/or the Education Seminar held in Cheyenne, your registration fees included your membership dues for 2008—and you need not submit this renewal form.

## WYOMING WATER ASSOCIATION



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CHEYENNE WY 82003  
Phone: 307-286-8614  
Email: [wwa@wyoming.com](mailto:wwa@wyoming.com)

*Water is Wyoming's Gold.*

Attn: WWA Members -

**Mark your Calendars now!**

*WWA Summer*

*July 18, 2008*

*Sheridan WY*

Email us!

[wwa@wyoming.com](mailto:wwa@wyoming.com)

## Wyoming Basin Outlook Report

The Natural Resources Conservation Service ("NRCS"), as a division of the U.S. Department of Agriculture, prepares basin outlook reports for the western United States. Following is a summary of the March 1, 2008 Report prepared for Wyoming (updated with the April 1, 2008 data release).

Generally, snow water equivalent ("SWE") across Wyoming was slightly below average at 99%. In March, precipitation in the river basins varied from 92% of average to 162% of average. Forecasted runoff varied from 65—178% of average across Wyoming for an overall average of 98%. Basin reservoir levels for Wyoming varied from 30—208% of average for an overall average of 80%.

**Snake River Basin**—The Snake River Basin SWE was

slightly below average at 97%. It increased to 104% in the April Snow Precipitation Update. In March, precipitation across the basin was above average. The reservoir storage in March was 60% of average for the three storage reservoirs in the basin.

**Upper Yellowstone & Madison River Basins**—The SWE was 112% of average in the Madison drainage and 107% of average in the Yellowstone drainage. In March, precipitation was about 96% of average for the eight reporting stations. Water year-to-date precipitation was about 124% of average. Ennis Lake was at 72% capacity and 94% of average while Hebgen Reservoir inflow was 110% of average. The SWE in the April 1st Snow Precipitation Update was 114% of average.

**Wind River Basin**—The Wind River Basin had a below-average

SWE at 93% in March. The precipitation in March varied across the basin from 30—160% of average. Water year-to-date precipitation was 106% of average and about 129% of last March. The basin storage varied from 67—125% of average. The April 1st Snow Precipitation Update reported that the basin-wide percent of average in the Wind River Basin is 97%.

**Bighorn River Basin**—The Bighorn River Basin SWE as a whole (combining the Nowood River, the Greybull River and Shell Creek) was 97% of average on March 1st. The April Snow Precipitation Update reports that the basin is now up to 104% of average. Bighorn Lake was storing 101% of average and 109% of last year's volume.

*(Continued on page 7)*