

# Laramie County Control Area Steering Committee

## Meeting Summary

January 4, 2016

Herschler Building, Cheyenne, WY

Draft for Review

Approved

### Participants:

Bill Bonham, *Laramie County Stock Growers*

Jay Burnett, *Irrigator*

Jim Cochran, *LC Conservation District*

Bill Edwards, *Southeast Wyoming Builders Association*

Dan Frank, *Laramie County Stock Growers*

Greg Gross, *Ag/Irrigators*

Jim Hastings, *Alternate*

Gary Hickman, *Cheyenne/Laramie County Health*

Scott Horgen, *Industry*

Judy Johnstone, *Small municipalities*

Rick Kaysen, *City of Cheyenne*

Jim Lerwick, *Ag/Irrigators*

Brian Lovett, *LC Conservation District*

Jim Murphy, *Cheyenne Board of Public Utilities*

Joe Patterson, *Southeast Wyoming Builders Association*

Lars Story, *Industry*

Lisa Tabke, *Cheyenne Board of Realtors*

Troy Thompson, *Laramie County Commissioners*

Scott Zimmerman, *Rocky Mountain Farmers Union*

### Facilitators:

Steve Smutko, *UW Ruckelshaus Institute*

Shannon Glendenning, *UW Ruckelshaus Institute*

### Agenda:

1. Welcome; Steering Committee member introductions; Agenda review & approval; Announcements
2. Review and adoption of the 12/14/15 meeting summary
3. Review of previous meeting progress and discussions
4. Discussion of financial incentive program objectives
5. Discussion of strategies for a financial incentive program
6. Conversation about end date for committee
7. Adjourn

### Handouts:

1. Meeting Agenda
2. Draft Meeting 12/14/15 Summary
3. Groundwater Use Reduction Plan

### Summary:

Q=Question

R=Response

C=Comment

#### **1. Welcome; Steering Committee member introductions; Agenda review & approval; Announcements**

Steering Committee members introduced themselves. The agenda was approved. There were no announcements.

#### **2. Review and adoption of the 12/14/15 meeting summary**

No changes were suggested. The summary was approved.

#### **3. Review of previous meeting progress and discussions**

Shannon reviewed the last meeting and progress that has been made.

At the last meeting three approaches to a financial incentive program were discussed. A complete buyout, compensation for a percent reduction, and temporary non-use agreements.

#### **4. Discussion of financial incentive program objectives**

The Committee discussed why they want a financial incentive program and what they want it to achieve. Many agreed that they want to provide a tool kit and some general guidance to the water users and appropriators in the control area.

Three objectives were discussed: protect the groundwater resource, allow for economic development in the control area and county, and reduce stress on the aquifer.

The committee decided on the objective for a financial incentive program: **“manage/reduce stress on the aquifer”**

Concerns were discussed that the objective is not measureable and this committee or others would not know if the program is successful.

In response, it was said that the system is variable and we do not know enough about the system to really have a baseline to evaluate the program off of. Others made points that the statement is general enough to allow the people in the areas of concern to adjust the objective as they see fit, specific to the area’s problem.

#### **5. Discussion of strategies for a financial incentive program**

The three options were discussed.

##### *Complete buyout*

It was pointed out that in the previous program appropriators could sell their water right and then apply for a new water right to keep irrigating the land. Two solutions were mentioned. First, use a strategy like a conservation easement to change the deed of the land owner’s property so that it could not be irrigated. Another option that was mentioned was encouraging the State Engineer to shut off all 2016 water rights. This would address the issue of the state engineer role of granting water rights but then using prior appropriation laws to shut off the junior water right holders.

##### *Compensation for a percent reduction of water right*

Committee members agreed that it would need to be a onetime pay-out to the water right holder, instead of a lifetime commitment. This approach would require metered and reliable data to ensure that the water right holder actually reduces water use. It was suggested that the dates for irrigation, April 1 through October 30 be used as the dates.

##### *Temporary non-use agreements*

This option could be utilized through the CRP program, which is a 10 year change of land use program. A concern is that abandonment of a water right occurs 5 years after no use in Wyoming statute.

A discussion on the effectiveness of a 5 year reduction was discussed.

- It might be useful in reducing water use in a drought.

There was discussion about what wells could be eligible. This led to a revisit of allowing wells in the flood plain. Jim Murphy made a recommendation and committee members agreed to adjust the language from Objective 2.2.1 to include *“do not allow new wells to be completed within alluvial areas that will have an impact on streamflows”* in addition to the agreement to use the April 1, 2015 Order’s well spacing requirements.

Jim Murphy also recommended language about what wells to target: *“allow for buyout of wells outside drawdown areas that are completed in alluvial areas that are having an impact on stream flows.”*

Discussion on how to prevent someone from re-drilling a well that was bought out under the previous program. In response, someone said that the person that was bought out would need to *“buyout the buyout.”*

Discussion on fee structure. One commented that the value paid out needs to tie to a quantifiable reduction of water use, not just acres retired. The committee came to agreement on some components to include in the development of a value for the water rights, but want to leave it up to that district and program to make the final decision.

Discussion about the development of special districts and the mechanisms. There are different types of districts that have taxing authority and it was recommended that research be done on the exact type that would be useful and achieve the objective of a buyout program.

*Below is a summary what buyout programs might look like within the Control Area.*

#### Goals/Objective

Manage/reduce stress on the aquifer

#### Administration

Possible administrators of a buyout program include:

- Wyoming water development commission
- Land trusts
- Special improvement districts
- Conservation districts
- County commissioners

#### What wells to target/areas

- Target high capacity wells, any well greater than 25 gallons per minute
- Target wells in the drawdown area
- Allow for buyouts of wells outside the drawdown areas that are completed in alluvial areas that are having an impact on stream flows

#### Funding Opportunities

Programs and funding options include:

- NRCS programs
  - Regional Conservation Partnership Program (RCP)
  - Agricultural Water Enhancement Program (AWEP)
  - Environmental Quality Incentives Program (EQIP)
- Fees on new wells
- Water development commission

#### Fee Structure

The fee structure would depend on the administration of the program

The committee wants to see any compensation based on a quantifiable reduction of water use, not based on acres of land currently being irrigated.

In the development of a fee structure the water right holder's volume of water being retired, the historical water use, acres that are being retired, and land productivity should be considered.

#### Land use after selling of water right

To ensure that someone can't be bought out and then apply and receive a new water right, utilizing a change in the land owner's deed, like a conservation easement, should be used.

The next meeting will focus on conservation measures and the development of that section of the plan.

## **7. Adjourn**

### **Next Meeting**

**Date: February 1, 2016 5:30-8**

**Location: Herschler Building, Room 1699 "Hearing Room," 122 West 25th Street, Cheyenne, WY**