

Laramie County Control Area Steering Committee

Meeting Summary

December 14, 2015

Herschler Building, Cheyenne, WY

Draft for Review

Approved

Participants:

Bill Bonham, *Laramie County Stock Growers*
Jay Burnett, *Irrigator*
Bill Edwards, *Southeast Wyoming Builders Association*
Greg Gross, *Ag/Irrigators*
Kristi Hansen, *University of Wyoming*
Jim Hastings, *Alternate*
Gary Hickman, *Cheyenne/Laramie County Health*
Judy Johnstone, *Small municipalities*
Brian Lovett, *LC Conservation District*

Leslie Mead, *South Cheyenne Community Development Association*
Jim Murphy, *Cheyenne Board of Public Utilities*
Bonnie Reider, *South Cheyenne Community Development Association*
Troy Thompson, *Laramie County Commissioners*
Tim Wilson, *Cheyenne Board of Public Utilities*
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 11/30/15 meeting summary
3. Conversation about end dates for the committee
4. Discussion around Objective 2.2.1 "Prevent the emergence of new drawdown areas"
5. Discussion around Objective 2.2.4 "Develop a financial incentive program"
6. Adjourn

Handouts:

1. Meeting Agenda
2. Draft Meeting 11/30/15 Summary
3. Examples of Corrective Controls for Laramie County Control Area
4. Groundwater Management Plan Guidance Document updated from 11/30/15 Meeting

Summary:

Q=Question R=Response C=Comment

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

Steve Smutko opened the meeting. Committee members introduced themselves. There were no announcements.

2. Meeting Summary approval

No changes. Meeting summary adopted.

3. Conversation about end dates for this committee

Steve Smutko: The county commissioners are interested in what the end date for this committee might be. How does this committee want to handle that?

C: I am in the long haul as long as we make progress.

C: Me too.

C: I don't think that we can have an end date at this time since we are working on really important issues and are making progress.

Troy Thompson: The County Commissioners discussed this group and feel that this group is making progress but we want an end date. This group needs to decide to continue work through X date and then if we don't

have anything, then thanks.

C: I would like to say end of March.

Q: Can we go to another year?

C: The account pays for Shannon's time and her work.

C: I would say June 1

C: I'm thinking March. If we get through agenda items 4 and 5, then we have this hammered out. That's as far as this committee can go then it's up to the State Engineer.

C: I think it would be foolish to put more money into this. We're not talking about the charge. We need to talk about agenda items 4 and 5, and there's no consensus in this group to create an effective and creative change to water use in the county.

C: I see it as producing an idea on how we're going to find money if that's how it's going to work out, to purchase water rights.

C: I'd like to talk about the local groups thing. Scott, Jeff, and I are on the same page about how much more we have to do. I'm not on board putting these local groups together and scaring them to get them to attend. We were charged to write a plan, not gather people and get them through an education process and do this plan for us. We are the representatives.

R: We're supposed to be the representatives

C: We might be able to do some of these things tonight, and then we might be able to see in 2-3 months the kind of feedback. If nothing ever comes up, then we put the money back in the bank. If something comes up then use the rest of the money. Work through the plan and then get feedback. We could provide assistance to smaller user and regional groups.

C: There are other tools we don't have at this time, like the economic analysis.

C: The grant is not decided until February.

Steve: How do you want incorporate local input and feedback? How to incorporate new information if it comes up.

C: I think the public feedback is in this room

C: I'd like to see our work go to the SEO and get feedback from them.

Steve: there was a lot of discussion about public feedback at the last meeting.

C: I think the most important part is not doing harm to non-signatories, if there hasn't been enough time for public feedback.

C: I think there are opportunities for people to voice their opinions, and that's at the hearings when this is being reviewed by the Board of Control and the State Engineer.

C: Getting public participation is challenging. The best way is the resource officer in Pinedale and she offered free beer to get people to give comments.

C: An extension bulletin that provides information that describes what this committee is doing and what the AMEC study found is useful. I'm taken aback about not needing public input.

C: I think there's buy-in from people not in this room.

C: Do we need buy-in from everybody, if we represent interests out there, if it's fair, does it matter?

C: I think buy-in we don't have an objective about relieving pressure on the aquifer. It depends on the direction we go.

C: The members of the SCCDA are aware of what's happening.

C: An end date depends on the progress we make if we end tomorrow or March.

4. Objective 2.2.1: "prevent emergence of new drawdown areas" (handout)

Discussion of Handout "Examples of Corrective Controls for Laramie County Control Area". These are the

basic tools that this committee has.

Philip: Russ had a difference of opinion. These are a good starting point.

Steve: In the Order the SEO only uses well spacing to reduce demand on the aquifer. On the back, this is the well spacing in the Order. Now you know the tools available.

Question for the committee: Does the April 1 Order achieve the objective of preventing emergence of new drawdown areas.

Phillip: The Order doesn't go to that extent. The AMEC Report talks about a reduction in drilling to stabilize the aquifer. What results from the Order is a controlled drawdown of the aquifer at a slower pace. There are controls in the drawdown areas that might not have an impact. In the conservation area, there is a spacing requirement, but there is already a drawdown in the conservation area. With the Order's controls you'll see a decline but at a smaller rate than if it was left unchecked.

Steve: From the AMEC Report, in management scenario 3 if you want to stabilize groundwater levels to 2010 levels, you'd have to see a reduction in use from 30% to 50%, depending on the District.

C: The AMEC report offered various options. The current order selected an option and built the order around that. Options for what we might achieve (i.e. stabilize, restore, managed drawdown). We're talking about new drawdown areas. We're not talking about the current areas. Are we talking about in the Conservation area or the drawdown area?

R: When we say no new drawdown we mean everything except the current drawdown areas. So is our goal is unachievable?

R: There are spacing requirements and we'd have to evaluate where new appropriations would go. With an order we have to evaluate the proposal, and see where it fits with the current order, then go to the board of control then the SEO.

C: is there anything new we know?

C: If a new area occurs, we recommend to the SEO that after the spacing's are in place, use choice 3, for example. That's all we can do. We can let him know which ones we prefer.

Phillip: If you look at the summary table, the >5 &<40 and >40 columns, there are monitoring wells that are required, and a reduction of 20% of the water column then further pumping is prohibited.

C: What happens if it keeps going down?

Phillip: this isn't a reduction in wells, it's a measure to reduce the decline of the aquifer.

C: I don't think spacing does anything. We're not short on space, so we space out and drill.

Steve: Does it affect the number of wells.

C: We should look at where do we allow drawdowns. Maybe in certain areas you allow 5-10% drawdown near drainage bottoms, and 20% farther

C: All the discussion concerning the drainage areas, comes back to—my goal is for this document to go back to the local irrigators and let them decide what the drawdown areas, and the conservation areas are for those specific areas. My idea was to let the irrigators decide.

C: We don't want to drop any more.

R: But you talk to other people who know how their water wells work and then can define their own areas. Or if you make further withdrawals and we'll manage it for 15 years and everyone in that area agrees, what are we to say they can't do that. People can choose to draw their resource down.

C: In the ag areas, no one tries to drawdown more water. It would raise hell. No one wants any more withdrawals.

C: in Lodgepole we're concerned about the drainage. Nothing is going to happen in the east side. We're worried about the areas that will affect our recharge.

Q: Does the current order disallow a new drawdown- I think it does.

R: I think it doesn't.

Steve: where do you want to go with this?

Q: Why doesn't the new order prevent new drawdown areas?

R: There are no restrictions in the unaffected area. We could develop a new drawdown there. In the conservation areas we could do one well per 10 acres as long as it's less than 5ac-ft.

C: In the conservation area, Greg has good points, 1 small well every 10 acres, we don't know if that does enough.

C: I'm saying the best science in the AMEC Report- the drawdown areas are from high capacity wells.

C: there has to be a drawdown somewhere,

C: Since 1976, irrigation use was 83% and today, and its 63%, and it will slowly shift.

Scott: I think we need to look at putting stricter limitations in the flood plain areas of our flowing streams. I think that will make the most difference or anything we can do.

R: I'm worried about a well that could get contaminated.

Q: Is there any appetite for different drawdown levels based on distance from a stream channel. 100 year flood plain or a distance, which might be better. To prevent drawdown areas in the creek channels. Creeks are our main source of recharge.

Discussion about Floodway

C: the horizontal distance is a guidance, but the general premise is don't allow wells that impact streamflow. This might have to be sorted out later. Don't allow shallow wells since they are critical for recharge.

Q: How conductive are the different hydrologic units?

R: There's a significant amount of fines and clay lenses between the formations. You can see it in the water levels. Put the burden on the applicant.

Recommendation: Using the April 1 Order's spacing and add "Don't allow wells that impact stream flows"

Phillip: You're focusing on recharge areas for the streams, and the question is the areas were not caused from stock or domestic wells, they were caused by high capacity wells.

Steve: April 1 Order plus this recommendation to satisfy the objective.

R: I think it does in the foreseeable future. That should do what we want it to do.

5. Objective 2.2.4: "Develop a financial incentive program"

Steve: The key things to consider the goal of a financial incentive program. This was developed by the Conservation District. Discussed in Section 8 of GW management plan guidance document pages 22—23.

Q: Is there going to be any more federal money for this?

R: There is money out there, but it requires a match now. It might be a 40—50% match. The ratio varies depending on who is involved, putting funding in, and how competitive you want to be in the selection process. The variable match rate puts you up the list.

Steve: The Goal developed by the Laramie County Conservation District was 10% reduction over 10 years. Is that a reasonable goal?

C: It was extrapolated from the AMEC report. It's about 30 pivots.

Q: How does irrigated acres relate to water quantity.

R: acres and volume vary bit it depending on what you have for water.

C: The goal could be reduce water usage by 10% or 5%, rather than irrigated acres.

R: Maybe we don't know what the usage is.

R: With metering you'd have more accurate data about what you're accomplishing, and what is actually being used. And it might refine the number as to what the reduction needs to be.

C: We can go with the fact we have to reduce usage and we'll buy some pivots then figure it out as we go along, as we get more date.

C: We need to discuss how to target wells.

C: What if an irrigator was given an incentive to go on a certain inches per acre – a hybrid management plan, that has a local component and people get compensated to do that.

C: I think that our goal is to reduce use, not only acres. If I have an older pivot and I can get compensated to upgrade my pivot, take the end gun off, and reduce usage by 20%, but reduce acres by 10, why shouldn't I get paid for that?

C: I think the goal should be reduce usage.

R: Should it be more with static water level or related to the water table, since what are we really after, is alleviating the drawdown area.

C: Buyout water usage until the aquifer is stopped from depleting.

C: I'd like to be cautious of where we target.

C: Buyouts aren't the only solution. An option for irrigators to set their own targets, reduce usage, it's hard to fund, but I think it could work.

R: Convert well to a low or stock use, but not a high capacity well, land converted back to dry land and the Conservation district can help with reseeding.

C: I like buyout because it's once and done.

Q: How much interest might there be for that kind of a plan, that allows for additional flexibility

R: I think self-metering and regulating is going to be a tough sell.

C: We should come up with an objective of reduce the impact on the aquifer, maybe we should have a broader objective beyond a financial incentive program.

R: I see some of these as water conservation measures and good practices that can reduce the current pressure on the aquifer.

R: Conservation keeps coming up, but I want to clarify, with conservation with irrigated ag, we've helped a lot of producers use water better, but that isn't leaving more water in the aquifer. You make better use of the water you have. We can't conserve our way into saving the aquifer.

C: For example, over a 3 year period, you are permitted to pump 1000 acre-feet. Instead, over 3 years you'll pump 750 acre-feet and there would be some compensation for that. But there are a lot of issues with that. But you keep land in production, and you reduce water use by 25%.

C: If there is a user agreement, it could work.

C: I'm for visiting a buy-out, trading and water conservation are tangents. Do we want to do a buyout, what does it look like, and how are we going to do that?

Steve: Right now we have ideas about a complete buyout, purchase usage reductions, and/or trade in some form or fashion. Should we leave all 3 ideas on the table, the choices might be different in different areas

C: I think each one of them fit, we can flush out what each looks like, but it comes down to local groups to sit down with their people and talk about what they want to do. If it's not something they are willing to do One option is to form a special improvement option and tax themselves, for the first 2 options.

We're looking at funding options 1) Wyoming water development commission and 2) with the additional 1% that conservation districts can go in front of people in the area for water projects.

C: Financial incentives are outside if the prevue of the SEO.

R: I'm concerned that we aren't trying to prevent the implementation of the Order. This plan needs to be fleshed out at the producer level. We need to do the work ourselves as users so we can prevent the SEO from implementing the Order.

Steve: We need to flesh this out so it's a proposal.

Steve: I'm suggesting we need to put out on the table what needs to be funded. Then discuss, where the money come from.

C: What if we sort it out by these areas, the number of wells in each one, usage numbers, and come up with

an estimate that is regional so we have a target that each group would be looking at.

C: The goal is to stabilize the aquifer, and dial it down to the heavily impacted areas. Look at it in the drawdown areas.

The existing federal guidelines for programs will be researched and distributed to the Committee Members.

Q; I still want to know why it's the role of this group if it's going to be only the irrigators and the conservation district, does it really involve the group?

C: That's why we should approach it by user groups.

C: Deferring regulation through a buyout program that would be something for this committee.

Brian: If the irrigators do something, then they have something to go to the SEO with and show that they are existing

Steve: We'll pick up on this conversation next time. Next meeting January 4th.

Next Meeting

Date: January 4, 2015 5:30-8

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