

Laramie County Control Area Steering Committee

Meeting Summary

February 29, 2016

Herschler Building, Cheyenne, WY

Draft for Review

Approved

Participants:

Jay Burnett, *Irrigator*

Jim Cochran, *LC Conservation District*

Jim Hastings, *Alternate*

Gary Hickman, *Cheyenne/Laramie County Health*

Judy Johnstone, *Small municipalities*

Rick Kaysen, *City of Cheyenne*

Jim Lerwick, *Ag/Irrigators*

Jim Murphy, *Cheyenne Board of Public Utilities*

Joe Patterson, *Southeast Wyoming Builders 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. Adopt 1/4/2016 Summary
3. Review progress to date
4. Discuss end date
5. Develop conservation measures for groundwater management plan
6. Adjourn

Handouts:

1. Meeting Agenda
2. Draft Meeting 1/4/16 Summary
3. LCCA Steering Groundwater Management Plan Committee Actions to Date- February 29, 2016
4. LCCA Drawdown Area Irrigated Acres from Laramie Conservation District

Summary:

1. Introduction and Announcements

Committee members introduced themselves.

Steve Smutko introduced the agenda.

Rick Kaysen- At some point I would like to discuss the role of the City of Cheyenne going forward. Last week the Board of Control did not approve the expansion request, disapproved on a 3-1 vote. The city might be limited in what it's not making recommendations on the needs and controls for those in the control area since the Control Area was not expanded.

2. Adopt 1/4/2016 Summary

There were minor grammatical adjustments made. The meeting summary was adopted with changes.

3. Review progress to date

Document: LCCA Steering Groundwater Management Plan Committee Actions to Date- February 29, 2016

Steve introduced the document that reflects the actions of the committee to date, as reflected in the progress on the Draft Groundwater Management Plan Guidance Document. He identified Conservation measures, metering and monitoring as areas that will need more development.

Tim Wilson- This is a great summary of where we are to date, what progress we've made, and what is left to discuss.

C: I'm not sure about a sunset date, we need a chance to identify some other players. In the drawdown areas we need a chance to develop some type of a group or local government like a watershed improvement district. Once that's done then we need to include those people at the table before we start talking about monitoring, enforcement and reporting.

Tim Wilson- Is there interest for an irrigation district?

Cochran- Yes, there have been talks about the possible options. An irrigation district would need to go through the SEO and courts. A conservation district would go through conservation district. I think those people need to be at the table.

Jim Murphy- The committee has made one significant recommendation outside of the Order, and that's the no new wells in the alluvium. Surface water was a big part of the discussion about the expansion of the control area.

C: The committee needs to decide 2 or 3 major points that can be incorporated into the Order, and then the buyout options need to come later since there is a lot of work to be done in the long run.

Judy Johnstone- I would hate to lose the valuable input that Cheyenne has to offer, even if they aren't immediately impacted.

Jim Murphy- I would like to stay on the committee, when we come to vote on consensus issues I get uncomfortable

Tim Wilson- It's difficult for me to say yea or nay on an issue that doesn't impact me, but the irrigators. We need more people from the areas that are being impacted, like Jim said.

Judy- Have there been talks with the irrigators

Jim Lerwick- The discussions so far have been in Carpenter.

Steve- What is the role of this committee in the formation of irrigation/conservation districts and what is left to talk about?

Murphy- The development of the groundwater management plan should take 3 or 4 meetings. I think they are a bigger player in things we haven't talked about yet. The metering, monitoring, and adjudication topics, and that's who we are talking about. One group was talking more about a recharge project, not a buyout project.

Scott- if we start going too far down the road of a toolbox and we don't include the water users that may slant the formation of a district.

Judy- I don't want to put limits on what the irrigators. We've laid out some great talking points, and then maybe we can take a break, and those out there can go do their creations and then we can go do out work.

Jim Murphy- I'd like to see some of this incorporated into the County Comprehensive Plan.

Troy Thompson- I think specific recommendations to the County, separate from the SEO.

C- Our charge is to develop a water users agreement that the SE can replace his Order with. Anything less or divergent from that is not within our charge. That's where I would start our discussion. I'd like to go around the room and whether they believe there is any possibility that this committee can come up with a plan that the SE will truly replace his Order with.

Rick Kaysen - Towards the end of discussion during the hearing of the expansion of the Control Area, the Board of Control members thought it would be a good idea to allow the SE's Order to collect data, see the results and then take action. We're going to be running in parallel with our work and with data.

Jim Cohorn- I don't think we have a good chance of replacing the current Order, but we're in a good place for the next Order, and by that point we will have a good idea of what's going on when he revisits it.

Judy- I have a high confidence that the SE will be willing to consider ideas that will enhance this Order or the next Order. There are things that the SE cannot do that we can propose.

Jim Lerwick- In my opinion, the political headwinds are against us attempting anything beyond the current order. We know what the mayor thinks, and the hearing last week made it clear that the political forces don't want change. There are a few appropriators who are still attending our meetings. Can we make a science based plan that will overcome any political headwind?

Jim Murphy- My impression was that we had the discussion about the 5 districts, and the exiting Order. We had a lengthy conversation about local control. We need to have the meetings Cochran is talking about within those districts with the appropriators, there can be buy-in from the people in each of the districts.

Scott Zimmerman- I think the final Order that starts to regulate will go to the Wyoming Supreme Court. Any time you start dealing with any major changes. I have no less passion to bring those groups together, but that's the reality.

Jay Burnett- This is an irrigator's issue. I question why it is this group's responsibility. We're to the point that the people in Carpenter need to look at the progress we've made. It's a local drawdown issues, and I'm feeling it's not someone else's responsibility to fix their issues. Greg does want to continue this and thinks there is a lot of work to be done.

Jim Murphy- If you're going to go to the SE with something, it has to be a single document.

Jay Burnett- I wonder if there should be another group that discusses this in the local areas.

Judy Johnstone- I thought that was going to happen, each area was going to talk about what you can live with. I thought you were going to do that and bring that information back to fold into a final document. I think that things such as conservation probably need to come from this committee. You all might want to set up specifics in each area. But encouraging something county wide is where this committee should be working.

Rick Kaysen- The County Commissioners created the committee. Is there some flexibility in the commissioner's directive to allow us to disband, and then go back "boots on the ground" and still be in compliance in the directive we were given?

Troy- Going back to the statute, a group can come together. If you ask the commissioners what the role is, it was to help form the group and come together and then from there it's the group's ownership. In the brief conversations I've had questions include: are things getting accomplished and when are we going to wrap up?

Steve- Before we can answer the end date question, maybe get a better feel for the role of this group and I'm hesitant to open it up. As we proceed the view has shifted as we've gone down the road. This committee- what do you want to do. What do the irrigators in the districts do? What is the role of the committee to provide guidance for people to react to? And then what do you want to do with that? What do you want the Ruckelshaus Institute's role to be in this process?

Murphy- From the discussion at the Board of Control meeting, section 5 is moot. They are going to want to watch the Order play out. Let's compare actual vs estimated use.

Lerwick- the BOC said we're not going to talk about this issue of metering and monitoring.

Murphy- This committee has done what it can. The big blanks are what the individual irrigators want to do in their areas, if they want to do something other than the Order.

Lerwick- The BOC want something over 20 years, this committee wants an end game tonight. There's a 20 year time frame for this to play out. Do we believe we can spend enough time, effort, and come up with something?

Judy Johnstone- Is there somewhere we can find the ruling.

Rick Kaysen- The motion was to deny the request. 3-1 vote. There wasn't any other direction other than the Order stands, collect data.

Judy- Affirming monitoring, however that is done so that we can compare apples to apples. The monitoring would prove the actual usage.

Jim Lerwick- We'll put meters on and the first data will come back 2018. Without 3 years of data it's probably not significant. If we get money to put in monitoring wells, then we'll begin monitoring somethings where we can add more information, or we may not. We have 5 years gone already. The information that would change the order, I can't imagine what it could be. Unless you have drainage focused groups. There was a strong statement made by the BOC. Until the people in this county believe there is a big enough issue, then there won't be support of a plan. From a personal position, markets respond to fear and greed. Humans are conditioned to respond to excess pleasure or pain. No one is at the extremes. There aren't enough people in this county that are feeling excess pain to drive a solution. The fact that people aren't here is evidence of that.

Murphy-I'm not sure where the SE would stand on the drainage vs the political boundary discussion. If the group developed a plan based on the basins. I don't believe what we do goes to the BOC.

Lisa- The SE recused himself from the board, so would imagine that he has his own thoughts.

Jay- I think we know he supports shrinking it.

Lisa- If you go back to the history, there might be ideas and evidence to go back to 3 Control Areas.

Cochran- On the other end of the spectrum, how much science needs to be done still? There are huge differences between the AMEC study and the Conservation District on water use per acre. Somewhere

between there is a reality. We need to get a little closer on our science when making decisions that impact people's lives. There are a few items where we don't agree on.

Murphy- Where does the gap come from?

R- Assumptions.

Jay- So metering might bring information on relatively quick.

Lisa Lindemann- The model should be public domain now, making it available to people to run on their own.

Steve- Jim Murphy has made a point that Section 5 for reasons identified at last week's hearing and this group needs to move it to the irrigators.

Judy- Is conservation outside of the SE's prevue.

Lisa- Conservation is not within our prevue.

Judy- If conservation is not going to be an effective offering to the SEO, then we might as well hang it up and handle it locally. I don't want to limit the irrigators with a toolbox that is too small or limiting.

Lerwick- It's not an irrigator's issue, it's a water user's plan. If we address it on drainages, and that it is not harmful to anyone in the drainage of the Control Area. It was a water user's agreement.

Steve- Is this a reasonable response "each district go have your meeting and develop specifics that are relative to your needs, and then come back and this committee would tie this together."

Jay- Give me an example of what I bring back to this group? If we get together, get in agreement, and I bring it back, what happens?

Cohorn- there are a lot of things going on developing Watershed Improvement Districts, the economic analysis, the Watershed Plan for the South Platte. There are some things going, let them happen, gather that information, and it might be a few year break before we can come back and make decisions again.

Judy- Will you be able to provide help with information needs about possible funding sources?

Jay- We invite Jim Cohorn to a meeting, not this committee.

Murphy- If you don't see this committee as a resource to help you get something into an Order, then it's not of use to you, and that's fine. But this committee can be useful in making an agreement or plan for the entire control area.

Jay- I think this group is good for a big picture, not for local irrigators. The group is for broader issues.

Lerwick- Each district would come together with a component of a plan, the groups have to come back together. There will have to be another stimulus to bring a group together. The temporary order was made out of fear. The new order causes fear in the irrigators. We need to build a plan from the bottom up using the fear of lack of water or regulation, and those groups need to build a plan, and some fear will bring it all together, but it won't be this committee as evident by the attendance. The political will is not there. The stimuli is just starting.

Jay- I'm wondering if we can steer in a different direction so all of this time isn't wasted.

Judy- Lisa, do you have anything to add to this? To address what your office hoped to come up with.

Lisa Lindemann- I think the statute provides a unique opportunity, I think we got off track. I think it's a difficult task. We deal with it every day and we had a hard time doing it. A group of citizens is admirable. We were hoping you would come up with something, since a voluntary alternative is better than a hammer. The Order is in effect for 5 years. The oil and gas development was part of the concern, but it is also the

huge growth that is happening in the county. There were several reasons for the Order. With metering we can answer questions about the discrepancies. We will get production reports. This is not a new issue, it will probably get worse, but I wouldn't bet that the recent years will continue. My budget proposal for monitoring wells was not passed in the budget session.

Q- Can we use existing wells for monitoring?

Lisa Lidemann- You can't use irrigation wells because we don't know how they were constructed, they can't have a pump in them and we've lost 2 probes and it cost \$5,000 to fix issues. When you install a monitoring well, there are specific specifications.

Steve- Is there another path that should be taken, what can this committee provide?

Lerwick- Is the work in Carpenter a result of this committee?

Cohorn- It's a result of the committee, and the Order.

Steve- We've been trying to give you tools to make this- whether or not you want to continue with the guidance document, and then there needs to be decisions made by people that live in the districts. What

Scott Zimmerman- I think a relative leave of absence, to see if the conservation district to see how WID work, is necessary. To see if another group can come together, then we can come back and revisit where we're at. I don't see if we can go further until we have the troops that are organized behind us.

Judy- I agree with Scott. Unless we can offer more tools to help with the discussions, I think we need to take a recess if nothing more and let them do their work, and those of us interested in pushing conservation in the county to our work then come together.

Cohorn- I'd like to talk about the adaptive management part, specifically what should we be monitoring to know that we're on track with the plan.

Murphy- I think we started at the grassroots level, we've done as much as we can given the April 1 Order and decisions from the BOC, and now it needs to come back to the grassroots. Jim, Jim, and Jay are the people that decide when it is time to come back.

Jim Hastings- Do you have a short term view? I think people are down in the dumps. We need 3 groups and some people that can put together some groups. What is it you're proposing we do in the short and long term?

Lerwick- there are things we can salvage from this exercise. We don't want to fight the establishment. We can come up with something that are amendments to the Order, I'm not sure it isn't a futile effort. If the groups on the drainages and include all the water users that say this is what we want done in our drainage, then those groups can come together.

Hastings- The BOC has not been involved in this. They don't know what we think.

Lerwick- In private conversations there are understandings. It will take some spark to get the three areas to start working with a vision and energy level. We can participate in an advisory nature for Laramie County's Comprehensive Land Use Plan, with the committee with the attendance we have we're not going.

Steve- Am I hearing anything other than pushing it to the District level? Let Jim Cochran and others do that work, and then maybe the County Commissioners can bring it back together.

Judy- I think that's where we are.

Hasting- That's what I want to do.

Joe- The end of January I was able to go to DC for the National Association of Home Builders and I was able to sit in with committee members that do this, the first thing they asked was “where are your meters?” They wouldn’t tough something like this without data, they want at least 10 years of data. I don’t want to give up on what we’ve done here. Maybe we’ve lost- we can finish this up (excluding the buyout plan) and make a recommendation to the commissioners to the comp plan, and the city to include in the UDC. It doesn’t have to be in the state engineer’s hands right now. The UDC gets updated every year. We can address it each year. This takes time. I don’t think we give up on this on the county side.

Judy- I’m good with the proposal.

Rick- Yes.

Murphy- The letter the SE wrote, the direction he gave the committee was a buyout plan, so I don’t know where folks sit on that, but it’s something that needs to be discussed in the drainage district groups.

Tim Wilson- In the beginning, the committee was put together to provide recommendations that could go into the Order, we weren’t successful to get that done. Bring the users to the same table, to try to get a consensus from them. If we need a break, then we can see where we’re at. I guess we’re fine with that. We went through the process of the committee members going to the municipalities, irrigators, and home builders etc. to get a response to the Order. The general response was being okay with it. No wells in the alluvium was the only the only idea outside.

Murphy- If we’re going to include it as a drainage issue, then we need to talk to all users.

Tim- I don’t think this should be an irrigator only issue. We have to work with the groups we were assigned to.

Scott Zimmerman- I’m supportive of taking a hiatus.

Jim Cochoran- I think that our focus needs to be the next Order. We were going well until the Order came out.

Gary Hickman- I’m comfortable with a hiatus. We need to look at developments. It’s the same as an irrigation well. We manage the permits for the homes. I know many people talked about a centralized system, so I’m looking at LUP and I don’t want to see a checkerboard effect where depending where you build you have different rules. If you have the same rules there are more transparency and its easier to regulate.

Lerwick- Where we’re going, I support that you need to define the water users in a drainage and the users effect prior appropriation. This committee has outlived its purpose, but the knowledge base and information may be a use to the county, but it will not accomplish its original purpose.

Jay- I feel like we can’t fail. Is there something to do with the information?

Troy- We facilitated bringing the committee together. I think a hiatus and then bringing it back together is going to be a challenge. I think it depends on who the county commissioners are at that time. It took some doing to get Humphry to agree we need to tackle. It’s going to be a challenge. And also what did we get out of it this time. And then does this committee want to come back?

Hasting- How are we going to incorporate a conservation plan into what we do?

Troy- I think conservation is the largest place where we can have a role.

Judy- I think that’s were our groups can make the most progress. 2 municipalities have strong conservation measures and 2 do not.

Joe- Building codes have driven us for years for conservation and there are above code programs we can talk about.

Rick- I’m committee to getting back together if there is a reason to get back together. I am willing to come back when we have something to assess.

Steve: What are the next steps? If these groups and efforts happen, do they start from scratch, what do they use that has been generated that can be of use? And then if that does occur, Jim works with the different groups, what happens to that information? Is that something the conservation district has, does it go to the county?

Scott- I would like to hear with Cochran on how they proceeded in Carpenter area.

Cochran- We talked to a group of irrigators and told them what their options are. Since then, my board has approved some financial help to help put those groups together so we'll have more active involvement. It's kind of a long drawn out process. They have to put together a petition, turned into the county assessor and secretary of state, then it comes to the Conservation district, and then there's an election, and then there's an entity that can start to do things. You're a year into it before you have something you can start. Then that group is going to work on Plan implementation. That's an area that needs to have a plan. Then we're going to do the watershed plan that is the entire south Platte, much broader, talk about conservation, water development, opportunities for recharge and I hope you'll all be involved and that will be part of the broader watershed type plan broken up by drainage. I think it will save this group time and get them to come forward and say what they want to see happen. That's why I'd like to go through the adaptive management part, it's what I feel like is missing as far as this group is concerned.

Judy- I second the call for you to keep us informed about what meetings

Steve- the Ruckelshaus Institute can serve as a conduit for communication. From my perspective, there's been a lot of work that has been done. We can work to consolidate that information and work. We can consider it a hiatus and maintain communication.

Judy- I think we think we're at a logical stopping point. How ever long it takes to get the groups together.

Rick- Is there a good idea to get together in 6 months to check in and keep it as a focus date to not lose anything.

Cochran- I think this hasn't been a waste. We're at a point where we can act.

Jay- Carpenter is angry right now. I suggested a recharge and that divided the area and that divided people in the community. There was an idea of an irrigation district and that divided people. It's surprising how divided it became.

Lerwick- How long the anger and stirred up will last. How long they stay stirred up determines how long they stay working on something. In Lodgepole there's some—there's going to be a slow progression until the benefits are defined to start a process unless Jim or some other agency stirs them up. Nothing is going to happen in some areas until there is an impetus or a strict regulatory action. The BOC has kicked this down the road 20 years, unless the SE makes strict policies.

C- We can salvage our information and hand some support to the Comp Plan.

Jim- Ruckelshaus Institute should finish up a draft of where we are so far. There might be useful for land use, general purpose, and goal, I'm a little bit interested in why that wasn't part of the land use scope to start with. I hope this can be regurgitated by the planning office and there can be good info that can make it into the plan. What came out of this is the economic study that is probably going to get funded. If a different groups gets together then there's this bit of information on how this plan gets moved forward. I don't think that able to analysis would be done without this committee. We haven't gotten to where we thought we would be.

1. Draft everything the committee had filled in the blanks as a set of recommendations.
2. This committee should formally submit that to the county for considerations.

Lerwick- We need to make ourselves available to give advice to the county.

Cochran- I want to know what is going to trigger what brings us back together.

Judy- It would be something concrete offered from any one of the drainages.

Scott- For the South Platte plan, do you have a work plan you have to submit? I think that would be a good time for us to come back together.

Troy- We have water conservation and water use in the plan. Joe and Judy sit on the Comprehensive Plan committee and provide input.

Cochran- There will be a scoping meeting mid-June /July for people here to go to the meeting. The consultant will need input from people in this room who were involved in this process.

Jim Lerwick- I want to be Greg Gross for a moment. The one thing the committee talked about that has significant value is the piece where we wanted spacing out of the alluvial soils, as I think that through, one option is that we can present as a final point, recognizing that we won't get a huge plan together, and maybe what we do, is duplicate the Order and as an addendum with the alluvial.

Murphy- We can flesh out the statements. I would support refining that information and then finding consensus by email.

Lerwick- We can offer the Order plus the addendum Sough Platte Watershed plan?

Cohorn- That would come out as a recommendation as something that needs to studied further.

Adjourn

Next Meeting

Date: Mid-June or early July, during scoping meeting for South Platte Watershed Plan.

Location: TBD