

Laramie County Control Area Steering Committee
Meeting Summary
March 16, 2015
Herschler Building, Cheyenne, WY

Draft for Review

Approved

Participants:

Bill Bonham, *Laramie County Stock Growers*
 Jim Cochran, *LC Conservation District*
 Bill Edwards, *Southeast Wyoming Builders Association*
 Dennis Ellis, *Industry*
 Greg Gross, *Ag/Irrigators*
 Kristi Hansen, *University of Wyoming*
 Jim Hastings, *Alternate*
 Gary Hickman, *Cheyenne/Laramie County Health*
 Scott Horgen, *Industry*
 Brenda Johnson, *Alternate*
 Judy Johnstone, *Small municipalities*
 Rick Kaysen, *City of Cheyenne*
 Jim Lerwick, *Ag/Irrigators*

Brian Lovett, *LC Conservation District* Leslie Mead, *South Cheyenne Community Development Association*
 Max Minnick, *Cheyenne Board of Realtors*
 Jim Murphy, *Cheyenne Board of Public Utilities*
 Kate Noble, *Industry*
 Joe Patterson, *Southeast Wyoming Builders Association*
 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 and approval; announcements
2. Review and adoption of the 2/16/15 meeting summary
3. Bridge plan for temporary Order
 - a. Discussion about a "bridge plan"
 - b. The Conservation District Groundwater Plan as a starting point
4. Break
5. Bridge Plan discussion continued
6. Getting information to county residents
7. Future Meetings
8. Adjourn

Handouts:

1. 3/16/15 Agenda
2. 3/2/15 Draft meeting summary
3. Comments for inclusion in meeting summary
4. Agriculture Enterprise Impacts- Jim Lerwick
5. Potential contents of SEO Order for the LCCA- Pat Tyrrell
6. Figure 7.9 Management Scenario #4 Water level declines 2060- Pat Tyrrell

Action Items Completed:

- A. Agenda approved
- B. Meeting summary
- C. Committee agreed on contents of bridge plan

Summary:

C= Comment Q= Question R= Response PT= Pat Tyrrell, State Engineer

1. *Welcome; Steering Committee member introductions; agenda review and approval; announcements*
 Steve Smutko opened the meeting and welcomed the committee members. Committee members introduced themselves.

The agenda was discussed, with changes to the purpose of the meeting to reflect the agenda including: develop a bridge plan to present to the state engineer for a temporary order, how to improve communications with Laramie County residents. The agenda was approved.

2. Review and adoption of the 2/16/15 meeting summary

Jim Lerwick provided additional detail to be included into the meeting summary, provided as a handout. In addition, a fact sheet about agriculture enterprise impacts in Albin and Carpenter was distributed to committee members to supplement discussion from previous meeting.

A question and answer about lodgepole creek was discussed to be included into the meeting summary. The meeting summary, as amended, was approved.

3. Bridge Plan for Temporary Order

Steve Smutko reported on the discussion the Process Committee. The Process Committee had developed an idea of this committee developing a recommendation for a temporary order to the State Engineer before the April 1st deadline, and then continue working on a long term plan. They also discussed that the conservation district's proposal as a good starting point for a bridge plan.

Steve Smutko asked what people thought about the preparation of a temporary, or "bridge" order to the State Engineer people responded:

C: I think it is a good idea.

Q: Are we putting something in place until we come up with something better?

R: Yes, it will serve as a placeholder while the committee continues its work.

C: I think it has been clear since the beginning that management areas within the control area is a good idea. If we're defining areas with different management strategies, then those people need to make their own choices. Then people not sitting on this committee need to have their voices heard. That is going to take a lot of time. We need a plan that we can all live with, either 6 months or a 3 years. It also has to be something acceptable to the State Engineer.

Q: Do you have a time frame of what another temporary order might look like?

R- PT: There isn't a specific time frame. We have been operating under the temporary order for several years now. I would suggest considering an agreement that has internal review dates and then decide at that point if it continues in that form. That period is up to the committee. 3 or 6 months is too short. It will force the work to go faster than you have to this point.

C: In the Process Committee meeting we had talked about 6 months to come up with a permanent set of recommendations.

C: If the plan is going to include a buy-out program, then we'll never get there in 6 months.

C: I would suggest looking at well spacing for the entire control area. I see those as fairly permanent, unless new information comes along, I don't see that changing any time soon. Then work towards the management areas.

Q: Could we suggest implementing something barebones then bring additional components onboard like buyouts as we develop a program to do that? Is that reasonable?

R- PT: I have a reservation about something that is too bare bone because we'll be making permit decisions in the meantime. It has to be an effective control. If there is any legislation that is required as part of a plan, that would take at least a year. An agreement has to give enough guidance on what permits to give, where, and how much.

Steve introduced the conservation district's plan and posed it as a model for April 1 recommendations. He asked if there were other elements, beyond the 5 presented in the plan that should be included.

C: A sixth point would include what would be accomplished by the plan, based on the five prior points.

Q: Would you want the document to include goals and other components of a plan to consider, i.e. a potential buyout plan?

R-PT: I don't know how much those goals would mean legally. Goals and other ideas could be a document that this committee develops and agrees on, using it to guide future action.

C: The product of this committee is an agreement, not a plan. It can describe how it meets the standards set in statute for the SEO to evaluate as well as how it conforms to the groundwater act and how it is not injurious to others not on the committee.

Q: How does the well spacing work on existing undeveloped lots that are smaller than the proposed minimum size?

R: They would have to be grandfathered in.

Q: When we look at the plan by the conservation district, are we talking about the existing control area?

C: It has been made clear that this is for the control area as it is defined today.

C: Any lot that has been subdivided before April 1, 2015 would be grandfathered in.

C: I thought the temporary order that is currently in place limits subdivisions, how does it read?

R-PT: The way the temporary order reads, in non-subdivided areas the spacing is 10 acres. The county takes our recommendations into consideration then they make the ultimate decision on a subdivision.

C-PT: We were made aware that the committee would be looking at this plan tonight. If this group doesn't come up with a plan then I will have to institute something so we have prepared a conceptual document for the committee to compare their plan to and have the opportunity for you to see what we're thinking.

Pat Tyrrell provided a handout "Potential contents of SEO Order for the LCCA" and a map from the Hydrogeologic Study of Laramie County "Figure 7.9 Management Scenario #4 Water Level Declines 2060".

For item 1 it is important to adjudicate any unadjudicated rights. That would take about 2 years.

Item 2 would aim to have meters on all wells in place by 2017.

For item 3 we are looking to get better information, better than which section a well is in, for all wells in the control area.

Q: Do you know the owners of the wells?

R-PT: We would query the county database, it's easy to do.

Q: Are there a lot of unpermitted wells in this county?

R-PT: There are some throughout the state, but I don't know of many in this county. There's a difference between unadjudicated and unpermitted. When we find an unpermitted well the first thing we do is tell them to get a permit.

C-PT: Item 4 makes the call for allowable drawdown and those rates based off of the model. The model is imperfect, but it is the best science we have. In the temporary order it says that small miscellaneous wells are under 2ac-ft, but there are some wells slightly bigger than that but they don't cause major impacts and we want to allow for economic activity so we changed it to 5ac-ft/year. Also, this point stops high capacity wells in the High Plains aquifer, and we'll encourage people to go to different levels.

Outside of the drawdown areas our decisions on well locations and rates may be a little more liberal, but there will still be spacing requirements to prevent overdevelopment.

Item 5 refers to the area in black in the modeling and map provided, north of Horse Creek. Horse Creek is considered a hydrologic boundary. We might want to leave the area in the black along and consider if we want to put any constraints in that area at all. That area is not in the model, so it's hard for me to make a decision either way.

Q: If activity on one side of the stream doesn't affect the other, will it impact the stream and the surface water?

R-PT: In that area, it's a gaining stretch, the groundwater is higher than the stream elevation. There's not a lot of development north of Horse Creek.

C-PT: In this set of ideas, there are no production caps. We need more information, flow rates, metering information, etc.

Item 6 gives us the ability to add conditions to any permit that would be in the public interest. For example, EOG has deep, high production wells and part of their permit was monitoring wells so we can gather more information about the deeper formations.

Item 7 addresses the handful of applications that predate the control area.

Item 8 gives a timeline that allows some time for an investment by landowners to install monitoring devices, then gather information and help us inform the need for changes in the order.

Item 9 is referring to this committee and the work you're doing now.

Q: What does the 25% drawdown look like on this map?

R-PT: It is somewhere between the yellow and the green on the map, it will be a little smaller than the light green area on the map. The intent is to inform future permitting through spacing, both horizontal and vertical, gather information, and allow time for this to go forward.

Q: Where does this put municipal wells?

R-PT: We didn't break municipal wells from other large capacity wells. The SEO gets into trouble when picking and choosing between beneficial uses. This puts municipalities in a position to look at going deeper or buying a right to an agriculture well. In the Conservation District's proposal, I would question the exemption of municipal wells.

C: Thank you for shedding light on the situation.

R-PT: We want to get the reins on this in terms of future development without being overly punitive to anyone at this point. Funding is still something I can't do.

Q: When Nebraska did this, they had a cost share program for the meters and a cost share for maintenance on a schedule. Is that something we can do here?

R-PT: The Nebraska NRD's are in a different situation than us in Wyoming. We can seek funding for monitoring wells, and studies, but when it comes to infrastructure the conservation districts and the NRCS have been helpful.

C: We've got money sitting in the State Lands and Investment account that I don't think has been touched for 6-8 years. We could try to get access to that and get low interest loans.

Steve Smutko asked for differences, likes and dislikes between the two plans.

C: We should keep our bridge plan idea. It's an easy marriage between the two.

Q: In the conservation district plan, are you mandating that future subdivisions would not have any lot size less than 10 acres average?

R: Yes

C: It is important to note that not all subdivision lots would have their own well. They could have a central water system.

C: All subdivisions would have to abide by DEQ, and health department regulations. You need land greater than 5 acres to have a well and septic. But if there is a community well, then that spacing is down to 2.5 acres to have septic.

C: I think the SEO's 25% decrease and that boundary is what we've been shooting for the whole time.

Q: Are the numbers on this map accurate?

R-PT: We need a better map, but the area will be a little smaller than the light green area in the eastern part

of the control area.

Q: Is this the status quo, with no new permits, not a reduction in water usage?

R-PT: There will be more conservative spacing requirements in the areas of high drawdown, and more liberal in the areas with less drawdown.

C: Applications for wells that haven't been drilled yet go through the control area review process. What does this plan do about those applications?

R-PT: That's the part we're thinking about, with grandfathering in applications. Some might be withdrawn, but they won't be reviewed under this order because this order wasn't in place when the application was submitted.

During the break, the committee was instructed to think about the current proposal and discuss any changes or ideas that can added or subtracted from the State Engineer's draft.

4. Break

5. Bridge plan discussion continued

Discussion of potential changes to the State Engineer's draft plan

Q: Do you see this as an opening of a door to allow a rush of development, as seen in Nebraska?

R-PT: The goal of this is to get better information, develop spacing requirements, but there also has to be a window for economic development. We want orderly, disciplined development, not a land rush. We are not ready to say no more development. It's a balance. Another thing that will be in here, is leave the ability to issue clarifying guidance.

Q: In part B of item 4, do you think that by allowing high capacity wells outside of the drawdown areas, we'll see people putting in an application for a well and wait for a buyout to make money?

R-PT: There are still spacing requirements and new permits will have to go through the control area review process. The average spacing of miscellaneous wells in the dark green area is 1.5 miles. If you want to get into areas that are transmissive, then you may not get that permit.

Q: Is there hope that we could include language about monitoring wells to be associated with higher capacity wells?

R-PT: Monitoring wells are useful for us, for model runs and for observing drawdown.

Q: Is there a time limit on new applications currently?

R-PT: There are time limits on applications now, yes.

Q: Is it possible to give us a list of tools that you don't have and we do?

R-PT: One big one is funding, or developing something like the AWEPP program. There's also flexibility with spacing requirements. With existing wells, there's the issue of priority the State Engineer has to consider, this group has more flexibility with that for tools like rotations or proration.

Discussion and development of proposals

Item 1- adjudication of all unadjudicated well permits

- A. Change it to a two year limit. Use or lose by November 2017.

Item 2- flow meters for all wells

- A. Meters on 20% of wells have meters
- B. Flow meters on all pumping by April 1, 2017

C: Irrigators positions on flow meters varies by person. The use of the meters and the information they provide and decisions they influence is the biggest concern.

C: Flow meters on all pumping instead of on all wells can reduce the number of meters a person might have to buy. For example if someone has three wells that all come together at one point, then they can have a meter on the confluence, instead of each well.

C: Is there a way to phase in metering?

C: People will just wait until that month to install them, phased in or not.

C: The EQIP program with the NRCS might be able to cost share on metering

Item 3- geographic coordinates

A. Recreation grade GPS or better as an acceptable tool by April 1, 2017

C: Should there be an accuracy clause?

C: Recreation grade GPS should be acceptable

Item 4a- spacing depending on area's drawdown rate

A. 10 acre 'average' spacing

C: We need an average of 10 acres, as development will cluster homes and then leave room for open space.

Item 4b- outside of drawdown area

A. No drilling within 1 mile of Horse Creek

B. No drilling within 1 mile of Crow Creek

C. No drilling within 1 mile of Lodge Pole Creek

C: I'm unsettled on more high capacity wells within the high plains aquifer before we have this all settled.

C: There is a lack of definition in that statement currently.

C: Applicants need to prove that the Lance-Foxhills is not available or practicable before they are able to drill in the High Plains

C: What if we just delete 4B?

C: Any well would still have to go before the Advisory Control Board.

Item 5- do not include area north of Horse Creek

A. Delete Item 5

C: we need some clarification about limiting high capacity wells within the impact area of surface flows.

Item 6- State Engineer maintains ability to add conditions

A. Add language "conditions such as monitoring wells or clarifying guidance, to any permit issued..."

Item 7- Order will not apply to applications that predate it

A. Add date "Prior to March 16, 2015" (with the understanding that there may be legal limitations to this date)

C: We need to date it for tonight, so that there is not a rush to develop since the idea has been put out there to the public.

C: I'm not sure we can legally put that, we should put a comment in acknowledging that there might be issues with that statement.

Item 8- Order effective for 5 years, with 3 year extensions

A. As written

Item 9- Order remains in effect until rescinded, superseded or modified

A. As written

Proposals voted on (comments in parenthesis indicate the vote for that proposal)

Using the voting scale:

1. Endorsement –Member likes it.
2. Endorsement with Minor Point of Contention – Basically, member likes it.
3. Agreement with Minor Reservations – Member can live with it.

4. Stand aside with major reservations – Formal disagreement, but will not block the proposal/provision
5. Block – Member will not support the proposal.

Item 1- adjudication of all unadjudicated well permits

- A. Adjudication of all unadjudicated well permits by November 1, 2017 **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 2- flow meters for all wells

- A. Meters on 20% of wells have meters (Mix of 2's, 3's and 4's)
- B. Flow meters on all pumping by April 1, 2017 **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 3- Geographic coordinates for all wells

- A. Recreation grade GPS or better as an acceptable tool by April 1, 2017 **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 4a- Spacing depending on area's drawdown rate

- A. 10 acre average spacing **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 4b- Management for areas outside of drawdown area

- A. No drilling of high capacity wells within 1 mile of Horse Creek **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**
- B. No drilling of high capacity wells within 1 mile of Crow Creek **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**
- C. No drilling of high capacity wells within 1 mile of Lodge Pole Creek **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 5- Do not include area north of Horse Creek

- A. Delete Item 5 **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 6- State Engineer maintains ability to add conditions

- A. Add language "conditions such as monitoring wells or clarifying guidance, to any permit issued..." **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 7- Order will not apply to applications that predate it

- A. Add date "Prior to March 16, 2015" (with the understanding that there may be legal limitations to this date) **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 8- Order effective for 5 years, with 3 year extensions

- A. As written **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Item 9- Order remains in effect until rescinded, superseded or modified

- A. As written **(Consensus: All Steering Committee members present rate the proposal as a 1, 2 or 3.)**

Next Meeting

Date: March 30, 2015 6:00 pm

Location: Herschler Building, Room TBD, 122 West 25th Street, Cheyenne, WY