

Laramie County Control Area Steering Committee

Meeting Summary

June 15, 2015

Herschler Building, Cheyenne, WY

Draft for Review

Approved

Participants:

Bill Bonham, *Laramie County Stock Growers*

Bill Edwards, *Southeast Wyoming Builders Association*

Dennis Ellis, *Industry*

Dan Frank, *Laramie County Stock Growers*

Greg Gross, *Ag/Irrigators*

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*

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 & approval; Announcements
2. Review and adoption of the 06/01/15 meeting summary
3. Discussion of State Engineer's Order, Irrigator's proposed plan, Conservation District's Plan
4. Development of subcommittees and assign tasks to develop and refine plan components
5. Adjourn

Handouts:

1. 6/15 Draft Agenda
2. 6/1 Draft Meeting Summary
3. W.S. 41-3-915(c) and definitions
4. Management strategy matrix

Action Items Completed:

Vote recorded for committee to continue working.

Vote recorded for committee to work on a plan for the control area first, then make recommendations for the entire County after.

Action Items Pending:

Committee members will report back intermittently on progress in talking to water user groups, then report back discussions on August 31st.

Summary:

Shannon Glendenning opened the meeting and introduced the agenda.

Committee members introduced themselves.

C: I thought we were going to break into subgroups. I don't see any reason to discuss the proposals, it is what it is.

C: I disagree.

C: Its about timing. Maybe we ought to go back to our groups and check in.

C: I think we need to test whether we are making progress.

C: we had decided at the last meeting that we were going to work together to evaluate the various plans.

C: I think going around the room and gathering opinions is important.

Committee members commented on why they think pursuing a groundwater management plan or not is important from their perspective.

Troy: I had a conversation with the other commissioners about where the group is going. The commissioners will back whatever this group decides to do.

Dennis Ellis: I thought we had disbanded after the SE's order. I will continue to come if there is value for me to be here. I have obligations outside of this group. We were given a huge task with no time, which was somewhat unrealistic. After the SE's order, what else is this group going to do? I am willing to continue of people think there is value in it.

Jim L: Is there a reason that is important to have a water use plan? Unless there is a reason for people in this county, then a plan may not be necessary beyond the SE's order.

Kate: I'd like to find out what we need to do beyond the SE's order. If there are things that we can do beyond that order, then we should continue to meet. We want to be involved in the discussion if it is going to be fruitful.

Scott Z: We were moving toward developing a water plan for the County. I spoke with ag water users (dry land crop users, other ag people) about this, and they think that we need to have a comprehensive water plan.

Bill B: In my opinion, the SE's order is fairly fair, it is here. If the irrigators want to form a district to tax themselves for seed money for a buyout, that's great. The county needs a plan so that if the water table drops to X, then we need to go to a well spacing scheme that makes sense. We need to have a vision of water use in the future. We need to look at other stuff that

Dan F: From the stockgrowers perspective the status quo is continuing drawdowns over time. We have the SE's order. Can we improve on it or deal with it a way that improves the county's water users? Can we improve on our situation?

Tim W: We have the SE order in place. If the water users in the Control Area want to develop a comprehensive plan ... I would like to see what those in the Control Area want, we can put that into a plan, if it is within the statute.

Rick K: I agree with Tim. We have differences on metering and monitoring. I have difficulty with making decisions for folks who are 50 miles to the east of us and not at the table. I still have a question about whether we are going county-wide or just control area. The economic analysis is still 16-18 months away. Do we wait for that? Do we accept the science? There is a lot of disconnect for me to continue on. Unless we have something solid, I'm not willing to stick with it.

Judy J: Where are we going? We keep rehashing the same things over and over. Small municipalities need to be at the table and I willing to represent them. We have to stay with the control area because that's what our charter says. I think a comprehensive plan is needed, but I don't know where we are going to take it.

Jim P: I'll keep showing up if we decide to move forward on this. I will defer to Bill Edwards.

Bonnie: I represent south Cheyenne landowners. They are concerned that what we do in the CA will affect others outside the control area at some point. I am ready to continue to work on this. I think we need to work together. When we come up with an idea, we need to stick with it instead of going back and re-discussing it.

Scott H: Water is a very important issue for industry. If we decide to replace the order, we need to be clear about how that plan will affect us.

Greg G: As an irrigator at the bottom of the drainage, I am here to ensure that we have a plan in place to keep upgradient users from affecting downgradient users.

Bill E: I represent homebuilders, but am first a Laramie County citizen. This is a multifaceted issue and each user group has a different effect on the aquifer, have different needs, etc. I am a believer in self-

governance. We need to break this down according to users and find out what users really want. I want to be sure that we have clear focus on where we want to go. We keep coming back to where the most concern is, and that is natural. I'd like to see us work toward a water use plan for the Control Area. The SE's order was pretty well done. We as developers have to construct a test well, to be sure we have the water. Now with this new model, the science is even better. We continue to work under premise that we are giving the SE's office better direction. Or are we really working toward a county plan for the county? We need to define our goals. I have trouble with the idea of consensus. Voting 1-5. We have people coming back on decisions, saying they didn't agree earlier.

Gary H: I am frustrated. We're concerned with the public health of Laramie County. For years we've been looking for the SEO for minimum lot sizes for water. We have very clear rules about how to space dwellings for septic purposes. We have to have different rules for reasons. The bottom line is I am frustrated that we need to have different plans for different users. I wanted direction from the SE about minimum lot sizes for water use. We need to have rules.

C: I share some frustrations, but I am the eternal optimist. I the group around this table doesn't have a passion for a water user's plan that substitutes for the SE's order then we ought not stay at the table. I have heard that we do have that passion. I'm the guy that hired the lawyer that brought out the fact of this little order. We brought awareness to the county that there is a different way of doing business. Until we work toward a plan that works for our respective groups, then we won't have anything to work on. We need to go back to our groups.

C: I am ready to take recommendations back to my people for their input. We just need to get moving to develop regulations.

C: I don't think we're limited to just the order. There are things outside the order that could work. We could do things outside the order and outside the SE's purview, then the SE won't need to implement the SE's order. We can go beyond it with other strategies and ideas.

C: Just getting back to the base statutes, the one piece that bothers me is the extent that we get into regulatory issues, then there are problems. We don't have as much authority to put a plan together that the SE will enforce. We've never had the authority that we think we do. We can't put something in place that takes something away from by regulation.

C: The statute gives us that authority. The SE makes the judgement about whether our agreement is defensible.

C: If we come up with a regulatory approach, I don't think we can actually do that. I am happy to work on voluntary measures, but don't really want to go down the path of setting regulations that take away something from others.

C: I think that development of housing in the county is being driven by water policy and poor judgement. We need to work with the SE to improve on his plan. That gives us tremendous amount of opportunity. I also want to make it clear that I believe meters are useful and necessary, but without a clear rationale for them, that doesn't make good sense. If we agree to a buyout plan, then sure, metering is critical for this.

C: We are working to supplement or replace the engineers order. Nothing will be done outside of the SE's attorney to review and incorporate.

C: Clarifying 41-3-915(c). That means our discussion needs to focus on what is or isn't detrimental to the public interest. Dennis is right, ultimately the SE can take or leave anything we give him.

Shannon: three options:

1. Continue to develop a plan
2. Wait for the economic analysis and then move forward from there
3. Disband.

C: We need to give some thought to getting back to 4 groups:

1. Industry
2. Agriculture
3. Development
4. Municipal

Let's go back to our core areas and find out what our constituents want. Let's dig in and get to work. It's going to take work.

C: We weren't appointed by the SE. We were appointed by the County Commissioners. Do we stick to the control area or do go broader?

C: If this group comes up with a plan that deals with entire county, then we'll work with that.

C: If the SE says that minimum lot size is X, that will likely affect the entire county.

C: We're not limited to the Control Area. We can give the SE recommendations that affect the control area, but we can also go beyond the Control Area.

More discussion about shared authority between SE and County.

C: Step 1 is the Control Area. We give the SE what he's asked for. Step 2 would be to give something to the commissioners.

C: We need to go back to what we defined

C: We define some basic strategies and take them back to our constituents.

C: The first question is: if developers have total control, how would they see water is best used today so that 100 years we still have water.

C: The issue is bigger than the control area.

Shannon: We've come back to the district idea several times.

C: At some point we have to have a process that we need to vote.

C: If we make a decision for the control area, it will have an effect on the entire county. The physics are the same. We can start with the control area, but the recommendation will affect the entire county.

Vote 1: Are you going to continue with this committee?

All agreed to stick with it (Scott H. gave a thumb sideways)

Vote 2: Develop a plan within the control area first, then decide to apply additional recommendations outside the control area.

All in favor.

User groups:

Ag: (Brian, Jim, and Greg)

Municipalities (Rick, Tim and Judy)

Industry: ? (Brian will help with getting diverse representatives from industry together)

Domestic & Stock: (Bill?)

C: We need to get a list of industrial users in the control area. If they're ag related, we can handle it.

Shannon: should you develop some guiding questions?

The SEs order: what do you like or don't like? Does temporary transfer work for you? You're interaction with municipalities:

Appropriations are tied to a use category: domestic and stock, industrial, miscellaneous, irrigation, and municipal.

C: need the database list of users.

Philip: We have the database.

Diverting discussion: whether a developer can build a community water supply.

The questions developed for the user groups are for the beginnings of conversations with water users. The goal is to develop ideas for groundwater management with consideration of the potential to replace the current Order, or of other regulatory entities that have some sort of nexus to groundwater management in the control area/County. When thinking about potential strategies or solutions also consider the entity that would administer that strategy.

Questions for User Groups

1. How would you improve the SE order? What is the best alternative to a negotiated agreement?
2. Propose hypothetical ideas: what about a larger well for a community of smaller acreage?
3. Does the temporary transfer process work for you?
4. Is water conservation important? What, if anything should we be doing to conserve water?
5. What is your vision for a plan? What will allow for additional economic growth without depleting our water supply? What are some strategies that you can think of that will enable this vision?
6. What are you willing to invest to maintain a sustained water supply?

Next steps: organize discussion with user groups. Report back August 31.

Next Meeting

Date: August 31, 2015

Location: Herschler Building, Room B63, 122 West 25th Street, Cheyenne, WY
(May need to change due to construction)