

Green River Basin Advisory Group

Meeting Record

Pinedale, Wyoming

July 13, 1999

Welcome

John Talbott welcomed those in attendance and began the meeting at 5:10 p.m. There were 74 people in attendance. Talbott turned the meeting over to Rose Skinner, Mayor of Pinedale, who welcomed the group to this meeting and wished the group future success.

Talbott asked Stan Murdock to introduce Dr. Luna Leopold. Dr. Leopold made the following comments:

In looking at a planning process of this type and magnitude, wish to suggest that you do two things: there are many myths that you must discard and there are many changes that have occurred in the past several decades that you must recognize. The first of these myths that you must deal with is that "use it or lose it" is not true. The 1922 Compact protects the seven states from adverse use. Relative to things that have changed, there is a lot of new knowledge that has come to light through research and through operating knowledge. Changes in law, changes in climate need to be recognized and dealt with. Finally, there are changes in federal agency attitudes. Examples of each of these: Colorado River sediment - a lot has come to light, AZ v. CA lawsuit contributed expert testimony about the ability to build additional facilities. Long term water supply of the River. Sediment deposition and change due to construction of Hoover Dam. Court and legal attitudes - much more concerned about instream flow -- Mono Lake decision - used to deprive water users of water that they had been relying upon for many years. Climatic change - it is occurring and it is real. Droughts, floods, temperature changes. We cannot anticipate that we will have the climate that we have enjoyed in the past. Finally, with regard to agency attitudes: Dan Beard changed the entire attitude and orientation of the USBR. Same thing with the USACOE. Two months ago I published a paper on releases from Glen Canyon Dam that proposed, through the judicious use of releases, the rebuilding of the beaches in the Grand Canyon that are so important to the recreation industry.

Introductions were made around the room of the Green River Basin Advisory Group and those in attendance. A review of the agenda for the nights meeting occurred at this time. Talbott noted that additional copies of the resource notebook could be obtained by asking the river basin planning staff.

Randy Bolgiano brought up the matter of preparation of a mission statement that he recalled was brought up at the last meeting. Jack Steinbrech thought that this should be a homework assignment for each to work on and to bring it up at the next meeting. A lady in the back of the room suggested that an ad-hoc group should be appointed to develop it for consideration at the next meeting. Ann Strand stated that our mission was set by the Legislature and we have a finite amount of time and resources available and hence we should get on with it. John Zebre concurred. Talbott asked if there

was a “consensus” that we should just move on and that the generic mission statement that has been supplied is sufficient. A substantial majority raised their hand and so the group proceeded to the next agenda item.

Review of Legislative Session and Current Status

Wade quickly stepped through the activities that have occurred since the May 10th meeting of the Basin Advisory Group. Wade covered the facts that:

- States West Water Resources Corp. has been selected as the river basin planning consultant for the Green River Basin.
- Staff has been hired for the river basin planning team. Jon Wade, Barry Lawrence, and Jodie Jackson have been hired at the Wyoming Water Development Commission (WWDC), Chace Tavelli at the State Engineer’s Office (SEO). Robin Gray represented the Water Resources Data System (WRDS).

A presentation was made concerning the Water Planning Process website. Lawrence provided a quick run-through of the web site. Shipman asked if copies of the Western Water Policy Advisory Commission’s (WWPAC) report should be made available to the BAG members. Wade noted that links to pertinent web sites could be established from the Water Planning Webpage.

Consultant Schedule and Work Tasks

Wade introduced Pat Tyrrell, who noted that States West and Boyle Engineering Corp., along with Gary Watts, have been hired as the Basin Consultant. Tyrrell provided a handout entitled “Green River Basin Water Planning Study”, and walked through the tasks that are listed on the handout of the general scope of work. Larry Hicks asked a question about and requested clarification of “a spreadsheet-based surface water model.” Tyrrell noted the intent is to develop a dry year, average year and wet year alternative. Hicks asked to what scale or resolution would the model be made. Tyrrell answered the question generally and noted the importance of developing unit runoff figures for use in basins that do not have gauging station records.

Zebre asked what the State agencies would have liked provided (in light of the discussion about constraints and limitations), that has not been provided by the Wyoming Legislature in the authorizing legislation. Fassett noted that we have built in budget flexibility to address gaps, if any, that the BAG may identify at these monthly meetings. Scope of Work was reviewed at length prior to the initiation of the consultant selection process. Tyrrell noted that there is a scope of work task for Basin Advisory Group activities that amounts to about 15 percent of the budget.

Craig Thompson: water quality is important - may be important enough to merit its own “item.” Questioned about why water quality is listed as an item under “identify future water use opportunities.” Tyrrell answered that how consideration of water quality may affect future water use

opportunities is what is intended. Budd: water quality is beyond our control - we can't affect how water quality is controlled - we need to come up with a plan for how we in Wyoming will use the remaining one-half of our Compact-apportioned water supply. Budd suggested getting on with the development of our water plan and not get bogged down.

Jim Parker asked if there is a listing of the Green River gaging stations in the reference notebook. The answer was no, but the Statewide Water Resources Data Inventory (which can be visited on the Waterplan web page) does have a listing and/or links to the available gaging station data and it can be accessed in that manner. Mac Blewer asked about the impact/effect of the "credible data" session law passed by the Wyoming Legislature.

Project Schedule

Jeff Fassett made a presentation that provided an overview presentation on the Colorado River Basin. The material covered by Fassett is summarized by the following:

State Engineer's Role in Interstate Water Issues Arena:

The State Engineer is charged with general supervision of waters of the State - responsibility for administering interstate and intrastate streams and rivers. Wyoming's 7 interstate river compacts, and 2 court decrees require the SEO to perform water management and ministerial actions. Federal statutes and policy relative to water and natural resources management impact Wyoming's ability to use and develop additional water, such as the Endangered Species Act (ESA) and the Clean Water Act (CWA). SEO must participate on numerous work groups, committees and organizations - Wyoming's interests will not be represented unless Wyoming is at the table.

Key Considerations:

Wyoming's interstate compact and court-decreed water apportionments are allotted in perpetuity - but it's ability to use those waters can be affected by many federal laws and policy. Can specific actions of the Federal or other states' governments in some manner interfere with Wyoming's ability to beneficially use our appropriated water or to develop the unused portion of our share? What can Wyoming do to prevent or minimize effects of Congressional, Federal or other states' actions on Wyoming's compact or decree water rights? What is the most appropriate forum to pursue such actions?

State Engineer's Interstate Streams Objectives:

- Safeguard Wyoming's rights to conserve, use and develop our water resources in the interstate arena, including federal water project operation & administration.
- Prevent, address and resolve water allocation and administration issues about Wyoming's compacts and decrees.
- Represent Wyoming's interests at the interstate table.
- Interstate Streams Section provides technical assistance and staff support to the State Engineer on diverse water policy and topical issues, providing information and analysis.

SEO Interstate Responsibilities and Current Activities in the Colorado River Basin

- Colorado River Basin Salinity Control Forum, Work Group and Advisory Council - State Engineer is a member of the Forum and Council - ISS is Work Group member
- State Engineer is Wyoming's Commissioner to the Upper Colorado River Commission
- Upper Colorado River Endangered Fish Species Recovery Implementation Program - Implementation, Management and other committee representation
- Colorado River Management Work Group - development of the draft Annual Operating Plan for the Colorado River Reservoir system
- Seven State discussions about long-term Colorado River allocation and reservoir operations issues (the CA 4.4 Plan)
- Federal legislation, regulation and oversight

The "Law of the Colorado River" has evolved from interstate compacts, federal statutes, state statutes, contracts with the Secretary of the Interior, court decrees and decisions, international treaty & amendments, operating criteria, and administrative decisions. The basic intent of the "Law of the River" is to divide the available water equitably among the Basin States, encourage beneficial consumptive use of the water, and protect the States' water entitlements against adverse use.

Foundations upon which the "Law of the River" rest:

- Reserved to the Upper Basin is a right of future development. The Law of the River defines the apportionments of the states.
- Under "normal" water supply condition, Lower Colorado River Basin annual use is limited to 7.5 million acre-feet per year from the mainstem Colorado River.
- Coordinated, integrated operation and delivery of water from Federal facilities is performed to provide the allocations of water agreed to among the States in the 1922 and 1948 Compacts and the U.S. Supreme Court Decree in Arizona v. California.

Colorado River Compact (1922):

- Divides the Basin into 2 subbasins at Lee's Ferry
 - Upper Basin is that part of the States of Arizona, Colorado, New Mexico, Utah and Wyoming from which the natural drainage is above Lee's Ferry.
 - Lower Basin is that part of the States of Arizona, California, New Mexico, Nevada and Utah from which the natural drainage is below Lee's Ferry.
- Any part of these states which use Colorado River system waters are declared to be a part of that Basin from which the water is diverted.
- Apportions in perpetuity to each Basin the exclusive beneficial consumptive use of 7,500,000 acre-feet annually from the Colorado River System. In addition, the Lower Basin is granted the right to increase its beneficial consumptive use by 1,000,000 acre-feet annually from such waters.
- Provides for the sharing of any burden which might arise because of a water treaty

with Mexico (treaty signed later - in 1944): Such burden is to be met first from the "surplus" above the apportionments and, if insufficient, the deficiency to be shared equally by both Basins.

- Focal point of the Compact assures a certain quantity of water passing from the Upper Basin to the Lower Basin:
- Article III (d) requires that the Upper Division States (Colorado, New Mexico, Utah and Wyoming) not cause the flow at Lee's Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any 10-year period.
- Prohibits the Upper Division from withholding water and the Lower Division from requiring the delivery of water which cannot reasonably be applied to domestic and agricultural uses

Summary of the Upper Colorado River Basin Compact:

Apportioned the Upper Basin water supply on the basis of:

- 50,000 AF/yr. to Arizona
- 51.75 percent to Colorado
- 23 percent to Utah
- 11.25 percent to New Mexico
- 14 percent to Wyoming

The apportionments made to the respective States are of any and all man-made depletions. Beneficial use is the basis, the measure and the limit of the right to use. No State may exceed its apportioned use in any water year when the effect of such excess use is to deprive another Signatory State of its apportioned use. The Compact created the Upper Colorado River Commission, which apportions the consumptive use of the water of the Little Snake River (LSR) and its tributaries between Colorado & Wyoming. Water diverted from the main stem of the LSR below a point one hundred feet below the confluence of Savery Creek and the LSR is administered on the basis of an interstate priority schedule prepared by the UCRC.

Basic Apportionments under the Law of the River:

Lower Basin States

- Arizona: 2,800,000 acre-feet/yr.
- California: 4,400,000 acre-feet/yr.
- Nevada: 300,000 acre-feet/yr.

Upper Basin States

- Colorado: 51.75 percent
- New Mexico: 11.25 percent
- Utah: 23 percent
- Wyoming: 14 percent

Estimates of Wyoming's Colorado River Compact Water Supply:

- If Upper Basin Water Supply gets 7.5 MAF, then Wyoming's share would be 1,043,000 AF/yr.
- If Upper Basin Water Supply is 6.3 MAF, then Wyoming's share is 875,000 AF/yr.
- If Upper Basin Water Supply is 6.1 MAF, then Wyoming's share is 847,000 AF/yr.

California Seven-Party Agreement:

Fassett provided a detailed description of the ongoing seven-State discussions that have led to the development of the CA 4.4 MAF Plan, which is California's proposed means to reduce its dependence on Colorado River water supplies down from the present 5.2 MAF/yr. to California's basic apportionment of 4.4. MAF/yr.

Discussion on Future Educational Presentations to Basin Advisory Group

Talbott asked for discussion of these matters. Suggestions that were made were the following:

- Send out the agenda a week in advance of the meeting.
- Finish Fassett presentation at the next meeting of the Basin Advisory Group.
- Ann McKinnon's presentation to the Wyoming Outdoor Council Annual Meeting in Casper on Wyoming Water Law.
- American Farmland Trust information on urbanization impacts.
- Ramifications of the MWD/PVID Dry-Year Leasing Program
- Bobbi Frank's presentation about the Wyoming Association of Conservation Districts (WACD) lawsuit against the Clean Water Action Plan. Mac Blewer: if we are to have a presentation on potentially controversial topics such as this we should have presentations about the other side of the coin to ensure some balance.
- Presentation on what the projected load and demand growth, population growth, etc.
- Ground water modeling activities in the Little Snake River Basin - presentation at the next meeting of the BAG in Baggs by Case/Bergantino
- Presentation on species and habitat status of fish and wildlife in the Green River Basin
- Recreational use on the Green River - permitting system on the Green River
- Hydrology of the Colorado River
- Industrial and municipal growth projections
- Tourism, travel/revenues generated by tourism and recreation
- Instream flow benefits presentation (Tom Annear suggested as a presenter)

Shields asked the group if they have considered whether they would prefer a short briefing paper for some of these suggested presentations (that could then be discussed as need be at the next meeting), a presentation in person or both. There seemed to be a consensus that both would be useful. The suggestion was made that a bibliography should be included with each of these presentations. Hicks

made the suggestion that the agenda needs to be sent out ahead of time so that members can “read or study up” ahead of the upcoming meeting. Mike Meyer noted that we have come up with quite a list. He suggested picking out 3 or 4 to present at the next meeting(s) and sending out written information - papers/summaries/synopses for those topics that lend themselves to written format.

Issues Identification

The Basin Advisory Group did not delve into these topics on account of lack of time at this meeting.

Talbott asked the group, prior to the next meeting, to think about what needs to be addressed in the water plan (those issues that need to be addressed in the plan). Talbott: the plan will be no good unless it addresses the issues that are important to you. As E. Green said at the first meeting, the intent is to prepare a “descriptive” rather than a “prescriptive” plan.

Hicks: I want to come back to what Bob Grieve and I said earlier - the spreadsheet water model needs to be accurate, to be of the right resolution and to be useful for decision-making. I would like to have the consultant come to the next meeting to make a presentation concerning exactly how the model will be developed.

Talbott: to those of you who are getting frustrated that you have not had a chance to do much yet, consider that you have done a lot of listening and at the next meeting come prepared to do some talking.

Future Meetings

The next meeting will be held at the public school music room in Baggs, Wyoming on August 10th beginning at 5:00 p.m.

The meeting adjourned at 8:15 p.m.