

Green River Basin Advisory Group
Meeting Record
Savery Museum, Savery
May 9, 2000

Welcome

Facilitator Joe Lord welcomed the group and the meeting was opened at 5:00 p.m. The overall meeting agenda was reviewed, followed by an introduction of all attendees. A sign-in sheet was passed around to record attendance. Joe Lord conducted a review of the agenda.

Planning Team Issues

Jon Wade provided a rundown on the recent river basin group initiation meetings in Northeast Wyoming on April 26 and 27th. MSE-HKM has been selected as the engineering consultant to do the river basin plans for Northeast Wyoming and the Powder/Tongue River basins. Counterpoise Consulting Inc. has been selected to provide facilitation services for the two northeast Wyoming river basin planning efforts.

Regarding High Savery Dam progress, John Jackson indicated the draft Record of Decision was received from the Corps of Engineers on Thursday evening. The WWDC expects a conditional 404 permit by the end of May or early June. The staff has received a partial list of the 404 permit conditions with no big surprises. The mitigation plan is unchanged from when it was drafted over a year ago. Engineering and design are planned for completion in 2001.

Jodie Jackson made a report about the Green River Groundwater Recharge and Alternate Storage Study that the Legislature (Rep. Nick Deegan) has instructed the WWDC and the SEO to conduct. The study timeline was reviewed - August 2000 is when the Request For Proposal (RFP) will be put out. A request for BAG volunteers was made to review the RFP. Those volunteering were: Ann Strand, Randy Bolgiano, John Zebre, Pat Mehle and Jean Dickinson. The consulting short list consists of States West, Papadopolous and Western Water Consultants, Inc. The draft RFP and scope of services documents will be shared with the volunteer group in a few weeks.

The future meeting schedule for the BAG was discussed. The following dates and locations were set:

<u>Date</u>	<u>Town</u>	<u>Time</u>	<u>Location</u>
June 13, 2000	Marbleton	5:00	TBA
July 11, 2000	Wamsutter	5:00	TBA
August 8, 2000	Lyman	5:00	TBA

Consultant Update

Mr. Pat Tyrrell stated his goal was to review the progress to date and the on going tasks of the Green River Basin plan. To date, consultant presentations have covered population projections, municipal water demands, irrigated acreage, modeling and water quality. Pat's presentation for the meeting was designed to hit the high points on each area being worked on, including pertinent BAG issues that were identified at last November's meeting.

Topics Covered:

- Basin Water Use Profile
- Agricultural Uses
- Municipal and Domestic Uses
- Industrial Uses
- Recreational Uses
- Environmental Uses
- Available Surface and Groundwater Determination
- Demand Projections
- Future Water Use Opportunities

Highlights of the presentation include:

Agricultural Uses:

- ❖ Irrigated Lands mapping complete and undergoing review
- ❖ water rights attribution done
- ❖ Cropping distribution data obtained
- ❖ Consumptive use work continuing
- ❖ 1970 Plan: used consumptive use rate of 0.80 feet
- ❖ 1986-1990 Consumptive Uses and Losses Report (CULR): used consumptive use rate of 1.03 feet
- ❖ Reservoir memorandum in draft form
- ❖ diversion memoranda currently being finished

Municipal Uses:

- ❖ Draft data presented by Mike Purcell at March BAG meeting
- ❖ Use memoranda sent out to all Municipalities for review

Industrial Uses:

- ❖ Water rights inventory complete
- ❖ Industry interviews to be completed in May, 2000
- ❖ Industrial finds to date (examples)

- ❖ No foreseeable expansion at Naughton, Jim Bridger Powerplants
- ❖ Electrical deregulation causing uncertainty (CoGen)
- ❖ Oil and Gas Processing Well permits mostly <50 GPM (this industry will be interviewed regarding use).
- ❖ Trona growth forecast at 1 to 3 percent
- ❖ Potential trona processing technology would be more water intensive (one Colorado company doing this)
- ❖ USBR CULR (1990) gives industrial use of 55,000 AF/yr.
- ❖ 1970 Plan gives industrial use of 16,200 AF/yr. for the year 1970

Recreational Uses:

Contacted BLM, USBR, USFS regarding recreational uses. BLM Visitor Use: Field Office Recreation Activity by Groups; Fiscal Year 1999; Rock Springs Field Office: 180,000 visitor days.

- ❖ State of Wyoming has no state parks and only one historic site, Fort Bridger, in the Green River Basin
- ❖ Seedskaelee National Wildlife Refuge currently seeing 10,000-15,000 visitors per year
- ❖ Obtained fishing use data from Wyoming Game and Fish Dept.:

Stream fishing use (Angler Days)	104,303
Standing Water Fishing Use (Angler Days)	485,571
TOTAL:	589,874

An estimated \$53 per day, value is over \$31 million per year.

Environmental Uses:

Contacted BLM and WY Game and Fish regarding wildlife usage it appears that the best estimates place this amount at about or a little more than 500 AF/yr.

Received preferred channel maintenance/reservoir levels from WY Game and Fish Dept. Minimum flows below dams (these are the ones that States West Water Resources Corp. have been able to find):

- ❖ Fontenelle: 50 cfs at Green River
- ❖ Meeks Cabin Dam: 10 cfs
- ❖ State Line Dam: 7 cfs
- ❖ Preferred Reservoir levels: normal high water line
- ❖ Will include map coverage of National Wetlands Inventory

Surface and Groundwater Availability:

- ❖ Surface water model being constructed
- ❖ Will not do water quality modeling

Demand Projections:

- ❖ Presented by Gary Watts at November BAG meeting
- ❖ Power company projections obtained
- ❖ "High" growth rate scenario has been modified
- ❖ Econometric models used by Watts did include 1980-1990s, did not include 1970s

Future Water Use Opportunities:

- ❖ Based on existing Wyoming water law (prior appropriation)
- ❖ Discussed Reserved Water Rights claims with Wyoming State Engineer's Office and with the USFS. Was advised that there is nothing in the works in the Green River Basin.
- ❖ Will include water conservation possibilities
- ❖ Compact considerations will be included

According to WY Interstate Streams Engineer:

Upper Basin Annual Supply	6,000,000 AF
Arizona's Upper Basin Share	<u>50,000 AF</u>
	5,950,000 AF
50% of Mexican Water Treaty	<u>750,000 AF</u>
	5,200,000 AF

Wyoming's 14 percent share, based on the 6.0 MAF water supply, and assuming that the Upper Basin is not required to assist in meeting the Mexican water treaty, is **833,000 AF**.

Previously Estimated Wyoming Depletions from the Green River Basin:

1970 Wyoming Framework Water Plan	296,100 AF
1987 USBR CULR	438,000 AF

Current amount of water leaving the state appears in excess of 1.8 million AF, so additional depletions will not “dry up” the river.

An error was found in USBR calculations which could result in 4,000 AF/yr. more water available to Wyoming. The CULR report was charging evaporation on the entire amount of evaporation at natural reservoirs instead of just the part attributable to works of man.

A questioner asked where would be the identification of existing shortages - in terms of where and how much the existing shortages are. Tyrrell stated the surface water model would identify it. That is the tool that will show where the shortages are with dry, average and wet year conditions.

Another questioner asked if the town of Superior is included. Mr. Tyrrell indicated smaller populations are included, but not sure if Superior is included explicitly.

The questioner also asked how the BAG will have the opportunity to provide input on the plan as it is written. Tyrrell noted that discussion is underway with the WWDC about the process for obtaining and incorporating BAG comments in the final plan document.

A commenter noted that the industrial use figure appears low. Bridger Powerplant uses about 36,000 AF per year. This will be verified in the Industrial Technical Memorandum.

A commenter indicated the need to include Bridger-Teton Forest information in the recreation section - and noted that there was a recent report from the USFS which provided an update on the development of new forest plans for the Wasatch and Cache National Forests.

A commenter noted that the Little Snake River Conservation District has filed applications with SEO for wetlands on about 250-300 acres, and questioned where will it be accounted for under the environmental section. Response: if it was found in the water rights review, or if was provided as part of the Wetland Habitat Improvement Program, it will be annotated on the GIS layer (if the applications have been approved and are now adjudicated uses).

A questioner asked if there is any way to get private data from outfitters and guides in order to obtain some additional sources of recreational data. Mr. Tyrrell agreed it might be another source of information.

A questioner asked if coalbed methane well production is being included as an issue. Response: it will be included in the groundwater availability section.

Additional Presentations

John Barnes of the Wyoming SEO made an oral presentation about the instream flow (ISF) program. First, he provided a history behind ISF law, second, the process for ISF applications, and third, some of the unique aspects of Wyoming's instream flow law. SEO Currently has 79 applications on file. Only 12 have reached permit status.

Three agencies are involved in ISF permitting. The Wyoming Game and Fish Department (WGF) identifies the segment where they want to have the water right. Within that segment they study smaller reaches and collect data on parameters that they believe to be relevant. The second entity involved is the Wyoming Water Development Commission, who perform the water availability studies. The third agency is the State Engineer's Office. ISF water rights are the only ones that require a public hearing to be held. Once the hearing has been held, the State Engineer evaluates the information, prepares a Record of Decision, and either approves or denies the permit application.

ISF rights cannot affect Wyoming's ability to use compact-apportioned water. Within one mile of the State-line or within one mile of Palisades, Big Horn or Flaming Gorge Reservoir, within one mile of any stream entering the North Platte River - the ISF water

is available for other appropriation and use. The WGF has only asked for natural flow water with the applications that have been filed to date. They have not asked for stored water in the stream.

So far, there have not been any attempts to convert other water rights to ISF. No one has been willing to donate his water rights to WGF, but the agency owns a fair amount of land and SEO will likely have a test case soon.

No one can condemn a water right for ISF purposes. In regulation, WGF must prepare a written report on how the fishery is being currently damaged or could be damaged in the future. That report is then sent to WWDC, who forwards the report and a request for regulation to the SEO.

Ingress and egress is not provided for (and ISF does not include fishing access across private land, for example). Municipalities can condemn instream flow water rights if they need the water and it is going past their intake. ISF rights will be considered junior to any stock or domestic water rights, so no stock or domestic water right would be shut down for the benefit of ISF water rights.

Questions were asked about storage water as a source of water for ISF water rights; about stock and domestic rights being senior to any ISF water rights; about Middle and Lower Piney Creeks which are now in regulation. Answer: the ISF segments are above the existing diversion facilities. SEO has in some cases pushed the segment above existing diversion structures.

A Question was asked about how and when when the hearing will be held for the Red Creek ISF segment. Response: hearing notice will be published in the local newspaper.

Funding and Implementation of Water Supply Management Projects in the Little Snake River Basin - Larry Hicks, Little Snake River Conservation District.

- ❖ Watershed projects - looking at water yields, water development and effects on the annual hydrograph.
- ❖ 8 years, \$2.2 million dollars so far. Included USDA funding and WWDC funding.
- ❖ All told, spent about \$6,500,000 on water development or wetland habitat.
- ❖ About 30 miles of Little Snake River habitat improvement that will cost about \$2.5 million over the next several years.

Larry then showed a videotape entitled: "Seeking Common Ground - A Private Perspective."

Bobbi Frank, Executive Director of the Wyoming Association of Conservation Districts, made a verbal report on the Clean Water Action Plan Lawsuit. In his State of the Union Address 1997 Clinton mentioned the clean water initiative. Months later Vice President Gore announced the development of the Clean Water Initiative. On

2/14/1998 the Clean Water Action Plan (CWAP) was unveiled while Congress was out of session. The CWAP 110 key federal actions including involving 17 federal agencies. Ms. Frank further stated that "The CWAP contained huge actions that were not noticed for public comment".

On February 19, 1999 - the WACD filed a notice of intent to sue along with 19 other organizations. Failing to resolve the issue timely with the federal government, the WACD and 67 other organizations from 18 states filed suit in Federal District Court in Colorado in June of 1999. Ms. Frank then discussed some of the 110 actions that are included within the Clean Water Action Plan.

A questioner asked how the litigation is being funded. Ms. Frank indicated they have spent nearly \$45,000 on the litigation to date. They have raised \$30,000 and received a grant of \$15,000 from the Paragon Foundation in New Mexico so far.

A question was asked about what the State of Wyoming is doing in this litigation. Ms. Frank responded that an affidavit prepared by Gary Beach has been included in the filing but otherwise the State of Wyoming is not involved.

Closing

The meeting was adjourned at 8:33 p.m.