

**Powder / Tongue Basin Advisory Group
Meeting Record
Sheridan Inn – Sheridan
August 16, 2000**

Welcome

The facilitators opened the meeting at approximately 6:10 pm. They introduced themselves and welcomed participants to the meeting. Participants introduced themselves by stating their name, affiliation, and place of residence. The facilitators sent a sign-in sheet around the room and reviewed the agenda to set the expectations for the meeting.

Planning Team Issues

Jon Wade gave a status report of the basin plans underway for the Bear and Green River Basins. Both basins are nearing completion with results to be presented in the near future. Basin Advisory Group (BAG) members are reviewing draft products.

Jodie Jackson distributed reference notebooks to BAG members. She then described the contents of the notebook binders and the updates that will be mailed to BAG members prior to each meeting. The updates will include items to be filed in the reference notebooks with instructions where the materials are to be filed. She noted that only individuals who receive the notebooks would receive the updates.

The facilitator distributed name tents to the BAG members. They explained that the back of the name tent includes the meeting rules and a description of the informed consent rule adopted by the BAG at the June meeting.

Barry Lawrence distributed the list of BAG members for both the Powder/Tongue and Northeast studies. Barry explained that all nominees were contacted and indicated a willingness to serve on the BAG. The Powder/Tongue BAG was now comprised of thirty-six members. As requested by the BAG, Dave Spencer was contacted and agreed to represent the Wyoming Business Council on the BAG.

The facilitators explained that the BAG selected the following meeting dates and locations: October 11 in Gillette; December 13 in Kaycee. The BAG agreed to hold the next meeting on February 7 in Ucross.

Consultant Update – HKM Engineering

Joe Lord of Lord Consulting and Wade Irion of HKM Engineering presented a review of the scope of work for the consulting team. The work to be performed under each of the seven tasks included in the scope was explained. A question and answer session followed the presentation.

Question: What was the basis of the 50 gpm criteria for selecting wells to include in the inventory? A questioner expressed a concern that there are a large number of smaller wells and

that a large component of water use in the basin is being missed by not including wells smaller than 50 gpm. Response: The 50 gpm criteria only applies to wells permitted for agricultural, municipal, and industrial purposes. All CBM and domestic wells of any size will be included in the inventory. During the scoping process it was determined water use by agriculture, municipal, and industrial wells less than 50 gpm does not have a significant impact on the total water use in the basin.

Question: Will the Yellowstone River Compact and demands from downstream states be considered? Response: Yes.

Question: Is there a way to model the groundwater by including wells less than 50 gpm in an aggregate basis? Response: No groundwater modeling will be completed as part of the planning study. Existing groundwater models and analyses will be used to assess groundwater availability.

Question: Will the water rights assessment identify illegal diversions? Response: The water right attribution process will not be detailed enough to identify illegal diversions.

Question: What is the procedure for dealing with under allocation or over allocation of water rights versus actual land use? Response: Irrigation water use will not be based on water rights but on actual use on irrigated lands, regardless if the lands have water rights.

Question: Will water rights be catalogued? Response: Sue Lowry of the State Engineer's Office explained the water right attribution process begins with mapping irrigated lands parcels from aerial photography on a quad-level scale. The consulting team will then research the records in the State Engineer's Office to identify groupings of water rights associated with the irrigated parcels. This process does not map water rights. It is known there are a lot more paper rights on the books than there is water actually being used. Knowing the number of acres irrigated, the type of crops irrigated, and the consumptive requirement of the crops, the actual water use can be determined as opposed to a determination of the total water rights that are on the books.

Issues Identification Process

Issues submitted by BAG members to the planning team prior to the meeting were grouped into major categories and used as a starting point for the exercise. The facilitators distributed small colored sheets of paper and asked participants to write issues on these sheets. Sheets were collected, posted, read, and classified under the identified categories. Identified issues and subissues which were presented at the meeting, follow below.

Water Quality: stream classification (DEQ & G&F); baseline data collection – groundwater and surface water; TMDL; NPDES permitting; erosion sediment deposition; Coal Bed Methane (CBM) discharge; aquifer commingling; agricultural feeding operations and confined agricultural feeding operations (AFO/CAFO); land use impacts; aquifer classification; stormwater discharge; best management practices (BMPs); irrigation return flows; water temperature; transbasin diversion; herbicide/pesticide use and runoff (golf course); well

classification; irrigation practices; sodium adsorption ratio (SAR); leach fields impact/subsurface discharges.

Water rights: preservation of existing rights prior to compacts; compact issues; transbasin and tributary diversions; change of use/change of point of diversion issues; federal takeover threats; instream flows – fisheries, esthetics, recreation; minimum pools in reservoirs for recreation/fish; state water law; prior appropriation doctrine; permitting process; permitted uses; ditch right vs. water right; cumulative impacts from CBM water discharge; water reserves for future uses; low flows impacting fish and aquatic environment; unused water rights; abandoned water rights.

Future Use Projections: population projections – local, federal, state; recreation/tourism; aesthetic/visual use; changing land use; energy use; technology; industry; economic; agriculture; pressure on infrastructure.

Regulatory: wetlands; instream flow requirements; source water protection; wellhead protection; emotional paranoia; EPA trying to take over State’s primacy; issues for new dam permitting; Clean Water Act; Endangered Species Act; NEPA (National Environmental Policy Act); permitted vs. non-permitted flow diversion; EPA, DEQ, state, county, federal, other; state and federal laws effecting use and development; safety of dams; U.S. Army Corps, Game & Fish, US Fish & Wildlife, Bureau of Indian Affairs (BIA) - tribes.

Public Education: walls of water; value & economic cost of water; conservation; help for ditch organizations; water law; understanding Clean Water Action Plan; meeting; college; schools; COE (Corps of Engineers) permitting; economic benefits of CBM; radio/TV; coal seam depressurization; regulatory agency statute development; public regulatory contribution; fact vs. fiction; NEPA process public input.

Water Development: rehabilitation of existing conveyance systems (old ditches), highest and best use priorities; municipal; agriculture; pipeline distribution stock water systems; extreme difficulty in getting dams permitted; improved irrigation efficiency; minimum flows & flushing flows below dams (present ones and future development); fish loss to diversion ditches; plan, plan, plan; privatized public use systems; pre-compact projects; new technologies and new uses; funding; aquifer storage and retrieval (ASR) programs.

Following the issues identification process, the facilitators solicited general comments and questions.

Question: When will the meeting record be distributed? **Response:** Records of previous BAG meetings are in the reference notebook. Meeting records will also be distributed prior to the next BAG meeting and will also be posted on the water plan web site.

Question: When will the issues be available on the Internet? **Response:** Not until the process has been completed and an “issues” document can be crafted and placed on the Internet. Issues identified to date will be included in the meeting record distributed prior to the next meeting.

The meeting was adjourned at approximately 8:45 pm.