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VI Implementation Process

Early in the process of preparing the Green River Basin plan, Basin Advisory Group members were nearly unanimous in their concern that the plan would be of little value without its implementation. In essence, they are correct. Implementation does not necessarily mean constructing a timetable for building the various projects put forth as solutions for current shortages or future needs. For purposes of this report, plan implementation is the series of tasks to be sequentially and periodically assessed and undertaken so that the planning information is current and accurate, funding mechanisms are protected or enhanced, and law and policy implications on plan implementation are both comprehended and closely monitored.

A. Use of the Planning Document

This reference document is intended for use by citizens of the State of Wyoming and a variety of agency personnel to understand the current state of water use and development in Wyoming's Greater Green River Basin. Numerous state agencies, including the Department of Agriculture, the Wyoming Game and Fish Department, the Department of Environmental Quality, the Attorney General's Office, and the Wyoming Business Council to name a few, need access to current, reliable data to make informed decisions. This document will assist in establishing purpose and need for future water development project work, and will be available to legislators as background material when evaluating future water development funding decisions. State water management personnel will, upon critical review and with experience from its use, find areas to be more closely evaluated in subsequent updates.

The Water Planning Web Site (<http://waterplan.state.wy.us>) provides a centralized repository of water planning documents and data, as well as references to statewide water-related information.

The surface water availability model(s) are intended to be used to evaluate the effects of future water development on physical water supplies.

B. Funding of Water Development Projects

Implementing future water development for citizens in the Basin requires the availability of a stable, predictable funding process. Industrial users are more likely to be able to finance water development internally, while municipal, agricultural and related (environmental) needs usually seek public funding of some sort. For public projects to advance, reliable funding is crucial.

The Wyoming Water Development Commission (WWDC) currently manages the most prominent state-sponsored funding mechanism for water projects. Funded from taxes on coal, oil, and gas production, this program uses the financial benefit of non-renewable

resource development to support the study and construction of the renewable water resources of the State. This philosophy has proven sound and has provided significant water-related benefits to citizens for nearly twenty years. Over that time, the program has modified its funding and qualification criteria to adjust to changing needs. In the future, additional changes will likely arise to respond to changing economies. Flexibility in the program will allow it to continue to respond to needs for water use and development statewide. Continuation of this program is essential for water development in the State of Wyoming.

Other programs will also be valuable as long as they exist. Examples include the state revolving fund for water treatment facilities and federal assistance through the USDA Rural Development Program and various conservation programs (e.g. the Conservation Reserve Program and Wildlife Habitat Incentives Program). All these programs provide assistance not necessarily available through the WWDC. Additionally, these programs provide dollars for municipalities, irrigation districts and individuals to perform necessary and valuable work that they otherwise could not afford. Because water development in the form of water treatment improvements and environmental enhancements are desirable goals, these programs are vital to the overall quality of life in the Basin.

C. Policy Implications

Water development has become difficult and costly. However, if a project proponent has a need for water, patience, and financial resources, the federal permitting process can be successfully completed and permits obtained for construction of water projects. In fact, Wyoming must maintain its resolve to develop its water resources to meet the needs of its citizens.

The State of Wyoming has historically been proactive in dealing with institutional constraints that may impact its ability to develop its water resources as allocated by court decrees and interstate compacts. State representatives review proposed federal mandates ranging from new federal environmental legislation to forest management plans to interject the State's position on these matters and provide for a state perspective in their development and implementation. These efforts are important to Wyoming and must continue. There have been successes, as evidenced by the Upper Colorado River Recovery Implementation Program and the Colorado River Basin Salinity Control Program. Without such cooperative efforts, water development in Wyoming's Green River Basin would be much more difficult and costly.

Future Water Development

The publication of the "Green River Basin Plan" should foster discussion among water users and state officials relative to water development in the Green River Basin in Wyoming. The plan concludes that Wyoming has water to develop in the Basin. The water can be used for future municipal and industrial growth. There are existing agricultural water demands that could be met with the water. As previously noted, the

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Wyoming Water Development Program can invest in state sponsored water projects or can provide loans and grants to public entities, such as irrigation districts, for the construction of projects. Historically, state sponsored water projects have been limited to larger, multi-purposes reservoirs such as the Buffalo Bill Enlargement and Fontenelle Reservoir. More recently, the WWDC recommended and the Wyoming Legislature authorized funding for the High Savery Reservoir.

High Savery Reservoir is a relatively small reservoir, with a capacity of approximately 22,400 acre-feet. Storage water from the reservoir will be used to provide late-season supplemental irrigation water, as well as to provide recreational and environmental benefits. Contrary to past practice, this reservoir is being constructed as a state sponsored project. There are several reasons that the State decided to make this investment. One of the most significant reasons was that the project proponents convinced the Legislature that the project was necessary to mitigate effects of the transbasin diversions from the Little Snake River Basin by the Cheyenne Stage I and Stage II Projects.

There are opportunities to construct smaller agricultural reservoirs in the Green River Basin. However, these development opportunities do not have the extraordinary history of the High Savery Dam. Therefore, these smaller agricultural projects may have to be sponsored by a public entity. The loan/grant mix criterion presently applied by the WWDC limits grant funding for project sponsors to 50 percent of the total project cost. Current Wyoming statutes authorize a maximum 75/25 grant/loan ratio for project sponsors. Even though the WWDC and Wyoming Legislature may agree to increase the grant percentage to the maximum 75 percent, it may be difficult for the agricultural water users to make the payments on even a 25 percent WWDC loan while also paying for the operation and maintenance of a dam and reservoir. However, when circumstances warrant, the WWDC and Wyoming Legislature will likely be asked to fund and construct smaller dams in the Green River Basin as state sponsored projects. Wyoming statute 41-2-121(a)(ii)(II) provides the following: *"Storage projects may be financed by grants for the full cost of the storage capacity but not to exceed public benefits as computed by the commission."*

The availability of water in the Green River Basin and the flexibility provided by the Upper Colorado River Basin Compact offers the potential for transbasin diversions. The City of Cheyenne has constructed its Cheyenne Stage I and Stage II Projects, which transport water from the Little Snake River Drainage to serve its municipal water needs. The State of Colorado has a long history of constructing and implementing water projects that divert and transport Colorado River water into the South Platte River Basin for the benefit of Denver, other front range municipalities, and irrigation canal companies and districts including the Northern Colorado Water Conservation District.

In the mid-1980s, the Wyoming Water Development Program, evaluated the feasibility of a Stage III Project which would again divert water from the Little Snake River Drainage, but this time, for the benefit of municipalities located in the North Platte River Basin. Those studies indicated that such a project was costly and could not be financially justified, even with favorable WWDC funding assistance. Therefore, efforts turned to the

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construction of the Deer Creek Dam and Reservoir to meet the future water supply needs of Casper and other North Platte municipalities. Presently, the Pathfinder Modification Project is being considered as a replacement for the Deer Creek Dam and Reservoir. If implemented, the Pathfinder Modification Project could meet the needs of the North Platte municipalities for quite some time. Recognizing that large complex projects take a long time to implement, the WWDC may wish to revisit reconnaissance level evaluations of transbasin projects that could serve the North Platte River Basin or other drainages surrounding the Green River Basin.

Wyoming Statute 41-2-121(a)(ii)(VIII) states: "*A project involving a transbasin diversion shall address the impact of the diversion and recommend measures to mitigate any adverse impact identified in the basin of origin.*" This begs the question of whether the WWDC may construct or financially assist in the construction of agricultural reservoirs as state sponsored projects on the basis that these projects would mitigate for potential future transbasin diversion projects.

Water Marketing

As long as Wyoming has water to develop in the Green River Basin, there will be debate over proposals to sell or lease water to downstream interests. As previously noted, the sale or lease of natural flow allocated to Wyoming under the Colorado River Compacts is probably neither politically or institutionally feasible. Further, the long-term lease or perpetual sale of Wyoming's water would be short sighted. However, the lease of water that can be controlled may be a more feasible water marketing alternative. Storage water may offer revenue potential for the State. As the water supply can be turned on and off to meet specific demands, the possibility that water marketing would become irreversible becomes less likely. The water rights and leased water would remain under the control of Wyoming. At such time as Wyoming had a need for the water, the leases could be terminated, downstream deliveries stopped, and the water could be used in Wyoming. While such an alternative may be more feasible, there would still be risk and many political and institutional issues to address.

Future Water Planning

The "Green River Basin Plan" is an important step towards identifying and achieving Wyoming goals in the Green River Basin. It is important to update and maintain the "Green River Basin Plan" or it will simply be a glimpse of the status of the water use at the end of the twentieth century. Additional data acquisition can facilitate plan improvement. Most importantly, existing water use is a critical element of information in planning for the future. Without an understanding of the existing water use, it is very difficult to define the water available for future use. It may be time in Wyoming's history for installation of measuring devices and annual reporting of water use to become a requirement placed on water rights, with the exception of those water rights permitted for domestic, stock and other *de minimis* uses.