

September 18, 2003

MEMORANDUM

TO: Members of the State Water Forum  
FROM: Patrick Tyrrell, Chairman  
SUBJECT: Minutes of the September 2, 2003 Meeting

Attached for your review and information is a copy of the September 2, 2003 Water Forum meeting minutes.

Please take a few moments and pencil into your calendar the Water Forum dates for this fall. **The next meeting will be October 7th in the State Engineer's Conference Room at 10:00 a.m.**

WATER FORUM SCHEDULE  
2003-2004  
1<sup>st</sup> TUESDAY OF EACH MONTH

DATE	INVITED GUEST	DISCUSSION ITEM
October 7 <sup>th</sup>	Chris Jones – NWS - Riverton	Kaycee Flood & other NWS activities
November 4 <sup>th</sup>	Bruce Brinkman, Hugh Lowham and Larry Ostresh	Testing of hydrologic models for estimating streamflow in mountainous areas
December 2 <sup>nd</sup>	Dale Strickland - West, Inc.	PRCA & Platte EIS
January 6 <sup>th</sup>	Jerry Pierce - BLM - Kemmerer	Cumberland Allotment
February 3 <sup>rd</sup>	Round Table	Water Planning
March 2 <sup>nd</sup>	Steve Jackson - UW	Tree Ring Study
April 6 <sup>th</sup>	John Lawson – Bureau of Reclamation	Water Forecast
May 4th	Marge Bedessem - UW	Field evaluation of the fate of wastewater components from septic systems

SPECIAL REPORT

The next meeting of the Water Forum will be October 7, 2003 at 10:00 in the State Engineer's Office Conference room. Our special guest will be Chris Jones of the National Weather Service in Riverton. He will be speaking to us about the Kaycee flood and other National Weather service activities.

## WYOMING STATE WATER FORUM MEETING MINUTES

September 3, 2003

Pat Tyrrell called the two hundred and thirty-second meeting of the State Water Forum to order at 10:00 a.m. The following were in attendance:

<u>Name</u>	<u>Agency</u>	<u>E-mail</u>
Jan Curtis	WRDS/State Climatologist	jcurtis@uwyo.edu
Barry Lawrence	WWDC	blawre@state.wy.us
Jeremy Lyon	DEQ	jlyon@state.wy.us
Kathy Muller-Ogle	DEQ/LQD	kmogle@state.wy.us
John Shields	State Engineer's Office	jshiel@state.wy.us
Robert Swanson	USGS	rswanson@usgs.gov
Pat Tyrrell	State Engineer's Office	ptyrre@state.wy.us
Ron Vore	WWDC	rvore@state.wy.us
Debra Cook	WRDS	decook@uwyo.edu
Jim Cochran	Laramie County CD	info@lccdnet.org
Lyle Myler	USBR	lmyler@gp.usbr.gov
Jodee Pring	State Engineer's Office	jpring@state.wy.us
Rick Huber	Wyoming Game & Fish	rick.huber@wgf.state.wy.us

### AGENCY REPORTS

In order to assure accurate reporting in the minutes, forms are passed out to be completed by the representative of each agency at the meeting. These minutes consist of a compilation of the written reports received. Please complete a form either at the Forum meeting or return within a couple of days to Laura Watson, State Engineer's Office. This will increase the efficiency and accuracy of completing the minutes for the Water Forum. Reports can also be sent via e-mail to: lwatso@state.wy.us. For more information on the following reports, please contact the agency representative listed above.

### STATE ENGINEER'S OFFICE

Shields reported the Wyoming Water Association is celebrating its 70<sup>th</sup> Anniversary year in 2003. The Association's upcoming annual meeting will be a joint meeting with the Upper Missouri Water Association this year. It will be preceded by the Association's Educational Seminar on October 22<sup>nd</sup> from 8:00 to 5:00 pm. The annual meeting will convene on the morning of October 23<sup>rd</sup>, include the Annual Banquet and Silent Auction at 6:00 pm, and conclude at noon on October 24<sup>th</sup>. Registration forms and additional information, including lodging at the Radisson Hotel in Casper, where the event will take place, can be found on the Association's website: [www.wyomingwater.org](http://www.wyomingwater.org) or by calling 307-631-0898.

U.S. GEOLOGICAL SURVEY (USGS)

The USGS Wyoming District has released two new reports during the summer recess. Peak-flow Characteristics of Wyoming Streams, WRIR 03-4107, by Kirk Miller, updates previous work on the subject and redefines geographic areas and equations. These new equations will be included in a new release of the National Flood Frequency (NFF) software programs.

Water Resources Data for Wyoming, Volumes 1 and 2 are available on cd-rom, online and, in limited numbers, hard copy. Information on all these reports is available from wy.water.usgs.gov or by calling 307-778-2931.

BUREAU OF RECLAMATION / WYOMING AREA OFFICE

Lawson submitted the following:

The following is a listing of reservoir conditions on April 30, 2003:

1. Water Supply Conditions of the North Plate River Basin

<u>Reservoir</u>	<u>Elev. (ft)</u>	<u>Content (AF)</u>	<u>% Full Conservation Storage</u>	<u>%/Avg</u>
Seminole	6309.46	354,542	35	47
Pathfinder	5796.94	273,229	27	46
Alcova	5497.43	178,112	97	99
Glendo	4582.79	110,382	21	75
Guernsey	4399.75	9,426	21	31

August 31, 2002 Water Supply Conditions

<u>Reservoir</u>	<u>Elev. (ft)</u>	<u>Content (AF)</u>	<u>30 Year Average (AF)</u>
Seminole	6306.53	329,161	754,400
Pathfinder	5798.62	286,240	591,400
Alcova	5498.62	179,206	180,000
Glendo	4675.94	83,275	146,500
Guernsey	4400.67	10,413	30,600

October through August Inflows

<u>Reservoir</u>	<u>Inflow (KAF)</u>	<u>% of Average</u>
Seminole	658.6	66
Pathfinder (Sweetwater R.)	92.0	61
Alcova to Glendo Gain	134.7	61
Glendo to Guernsey Gain	35.7	48

Kendrick ownership was 762,500 acre-feet (AF) on August 31, 2003, and approximately 77% of average (992,300 AF), which compares to the ownership of 781,200 AF last year at this date. The Kendrick ownership was the fifth lowest August ownership in the last 30 years. The August 31, 2003, North Platte ownership was 54,600 AF, which was approximately 10% of average (554,200 AF). This compares to no North Platte ownership on this date last year. The North Platte ownership was the third lowest August ownership in the last 30 years. The Glendo ownership was 107,100 AF on August 31, 2003, which was approximately 72% of average (149,400 AF). This compares to the 103,700 AF of Glendo ownership on this date last year. The Glendo ownership was the fourth lowest August ownership in the last 30 years.

Flows in the Miracle Mile below Kortez Dam are approximately 530 cubic feet per second (cfs). Releases from Gray Reef Reservoir are approximately 500 cfs. The level of Alcova Reservoir will be maintained at the normal summer operating range of 5498± one foot during September.

## 2. Water Supply Conditions of the Big Horn Basin

### August 31, 2003 Water Supply Conditions

<u>Reservoir</u>	<u>Elev. (ft)</u>	<u>Content (AF)</u>	<u>% Full Conservation Storage</u>	<u>%/Avg</u>
Bull Lake	5773.50	65,590	43	62
Boysen	4698.50	351,612	47	59
Buffalo Bill	5378.54	530,468	82	108
Pilot Butte	5436.96	15,934	47	81

### August 31, 2002 Water Supply Conditions

<u>Reservoir</u>	<u>Elev. (ft)</u>	<u>Content (AF)</u>	<u>30 Year Average (AF)</u>
Bull Lake	5769.04	55,458	106,600
Boysen	4687.80	244,168*	598,700
Buffalo Bill	5362.44	415,588	491,900**
Pilot Butte	5434.09	14,158	19,600

\*Storage in Boysen Reservoir was the lowest of record (1953-2002) for the end of August.

\*\* The average used for Buffalo Bill Reservoir reflects data from 1993 through 2002. In 1992, the capacity of the reservoir was increased to approximately 646,565 AF as a result of raising the dam. A long-term average cannot be calculated until several years of operation occur under the increased storage.

### October through August Inflows

<u>Reservoir</u>	<u>Inflow (KAF)</u>	<u>% of Average</u>
Bull Lake	136.3	76
Boysen	503.5	53
Buffalo Bill	768.4	92

The total release from Buffalo Bill Reservoir to the river is currently 1,000 cfs as measured at the Cody river gage. The release from Boysen Dam is currently 1,085 cfs and is being made in response to irrigation demands.

### WRDS/STATE CLIMATE OFFICE

The following was submitted by Jan Curtis:

#### Server Statistics for August 2003

	Hits	Avg	AvgM	%	Bytes	Avg	AvgM
%							
WRDS	31870	1028.1	1028.1	22.7	3510669868	113247415	113247415
55.5							
NWS	3975	128.2	128.2	2.8	13211521	426178	426178
0.2							
LIB	17355	559.8	559.8	12.3	3423245646	110427279	110427279
54.1							
NRCS	7963	256.9	256.9	5.7	97743488	3153016	3153016
1.5							
SEO	18712	603.6	603.6	13.3	342407816	11045413	11045413
5.4							
WSGS	8186	264.1	264.1	5.8	112874706	3641120	3641120
1.8							
WWDC	46988	1515.7	1515.7	33.4	1445094632	46615956	46615956
22.8							
WSC	13677	441.2	441.2	9.7	668287629	21557665	21557665
10.6							
BORPE	4846	156.3	156.3	3.4	51081603	1647794	1647794
0.8							
RMFRES	2514	81.1	81.1	1.8	5430094	175164	175164
0.1							
DEQ	1396	45.0	45.0	1.0	24983117	805907	805907
0.4							
WYDOT	362	11.7	11.7	0.3	14392659	464279	464279
0.2							
Total	140532	4533.3	4533.3	100.0	6331191336	204231979	204231979
100							

As of 31 August 2003, we have handled 364 data requests. This is up by 2 requests (2002) and up 38 requests (2001).

Meetings of interest:

Just a quick reminder that there will be a few seminars in the coming weeks that might be of interest to the water forum group:

The 8<sup>th</sup> Annual Stroock Forum on Wyoming Lands and People, Fall 2003

"Headwaters -- Working with Wyoming Rivers"

Tuesday, September 16, 2003

8:45 a.m. - 4:45 p.m.

University of Wyoming Union - Yellowstone Ballroom

Laramie, Wyoming

<http://www.uwyo.edu/stroockforum>

19 September - the Governor's Drought Task Force will be meeting in Cheyenne. There has been slow improvement in the overall drought but we still have a long way to go before it is officially over.

26 September - I will be attending a luncheon in Casper with the WY Geological Society followed by a meeting with a potential publisher of the Wyoming Climate Atlas. While there are several publishers in Colorado I could use, I'd like to keep the money in state. This atlas is coming along and I expect to go to press by February 2004. Anywhere from 300 to 1000 copies are expected to be printed.

1-3 October - U.S. Drought Monitor Workshop, Cedar City, UT - I plan to attend a National Drought Workshop in Cedar City, UT where I will be giving a presentation on drought triggers. The website for the workshop is:

<http://www.ncdc.noaa.gov/oa/climate/research/2003/USDM-workshop/usdm-workshop03.html>

Water Planning:

Platte: The Platte Basin Advisory Group portion of the Water Planning Website is now finished. It includes agency contacts, maps and useful links to compacts, the compact map, and other water related information.

Snake/Salt and Wind/Bighorn: The Basin Plan portion of the Water Planning Website is finished, ready to accept the GIS, Technical Memos, Spreadsheet model, and final report. These should be received in the next two weeks.

Irrigation Survey:

All information from the last survey was input into an Access Database and a new survey was generated from this information. The mailing list was sent to the District Superintendents for review/correction. Surveys were mailed on July 7th. Results are being tabulated and will be available by the end of September.

Bridging the Headgate Survey:

The survey was emailed to agency contacts on August 20th. From the information in this survey, a database will be compiled of statewide water related project activities to include recent, current, and on-going water quantity and water quality projects.

Miscellaneous Items:

Landslides: 65 Landslide quads were verified, edge-matched, and added to the Landslide portion of the WRDS website.

WRDS Library:

We have begun implementation of the library catalog modernization program by becoming members of WYLD. This shared database will tie us into a larger network, thus increasing access and use of our holdings.

Tony Berginato is the UW Employee of the Quarter: A small ceremony by the UW President is scheduled for 10 September at 3PM in the WRDS Library, WYO HALL with refreshments to follow.

WYOMING WATER DEVELOPMENT COMMISSION (WWDC)

Barry Lawrence reported the following:

The Platte Basin River Basin planning process kicks off this week with Basin Advisory Group (BAG) Formation slated for Thursday, September 4 from 2-5 pm in the large meeting room in the Platte County Public Library in Wheatland. A facilitator will be present and will assist those in attendance in forming a BAG. Tri-Hydro out of Laramie was selected as the consultant for this planning project.

Final reports and tech memos for the Snake-Salt and Wind-Bighorn planning processes are expected very shortly. All information will additionally be put online by the Water Resources Data System. This includes all reports (text and graphics), tech memos, spreadsheet models, and GIS coverages.

The following additional BAG meetings have been set:

Mon. Nov. 3, 6pm – Bear River BAG, Evanston, WY  
Tues. Nov. 4, 10am – Green River BAG, Pinedale, WY  
Wed. Nov. 5, 6pm – Snake/Salt BAG, Afton, WY  
Tues. Nov. 18, 3pm – Wind/Bighorn BAG, Cody, WY  
Wed. Nov. 19, 6pm – Powder/Tongue BAG, Story, WY  
Thurs. Nov. 20, 1pm – Northeast BAG, Newcastle, WY

Ron Vore reported the following:

WWDC Project Planning:

Application deadline for 2004 planning is Sept. 15.

Wyoming Water Association (WWA) Conservation Subcommittee:

WWA Board of Directors created this subcommittee at their last meeting. Work has begun by members of this newly formed sub-committee to develop concepts for this effort with a report to be presented to the Board at the October WWA meeting in Casper.

Water Management and Conservation Assistance Programs Directory:

An update to this directory is now needed so a third edition is planned for this fall. Request was made to those in attendance for updates and information that should be included in this revision.

Small Water Projects Program:

As of August 22, 2003, total estimated cost of 13 Commission approved projects is \$428,112. The total WWDC contract amount for these projects is \$325,000. Of these 13 projects, 7 are rehabilitation and 6 are new development; 5 are pipeline projects, 6 are well projects, 1 is for two new development pit projects and 1 is a rehabilitation of 2 stock reservoirs. Nine of the 13 projects are on BLM land and 4 projects are on private land. WWDC staff have been refining and consolidating application forms and developing payment request procedure and forms.

Governor's Drought Task Force Meeting:

September 19, 2003 - 10am. Location information should be forthcoming from WDA.

SPECIAL REPORT

Pat Tyrrell welcomed everyone to the 2003-2004 Water Forum season. He introduced Jodee Pring who has taken Chace Tavelli's position and will be coordinating the water planning efforts for the State Engineer's Office.

Pat gave the group a briefing on what has been going on in the State Engineer's Office since the last Forum meeting in May. Coal bed methane has been occupying quite a bit of the agency's time. There are numerous initiatives underway to improve permitting and split estate issues. A NPDES (National Pollution Discharge Elimination Standards) task force was formed to look at streamlining the permitting process. The Task Force's report was submitted last week to the Joint Minerals Committee for their review. The SEO has also started a watershed study to identify areas where existing water rights pose potential administration problems.

The Joint Agriculture Committee is doing an interim study on temporary water issues related to the drought. The subcommittee is to meet Sept. 3 and the full committee is meeting in October in Newcastle. The committee is considering statutory changes concerning in-channel and other temporary uses.

The Board of Control has been updating their Rules and Regulations. Copies should be available for review sometime this fall.

We have now been through a second summer of operation under the Modified North Platte Decree and Final Settlement Stipulation.



The Upper Colorado River Commission meeting on June 17, 2003 was hosted by Wyoming and held near Pinedale. The Commission adopted a resolution concerning use of water in New Mexico. New Mexico has proposed the Navajo-Gallup Water Supply Project to provide a water supply for municipal, industrial, commercial and domestic purposes to Navajo and non-Indian communities located within the Lower Basin in New Mexico that do not have an adequate Lower Colorado River Basin source of water. The proposed water supply source is water diverted in the Upper Basin to serve communities located within the Lower Basin in New Mexico.

Pat touched on other interstate issues that are commanding some attention. California still has not executed a Quantification Settlement Agreement (QSA). The California entities who share that State's apportionment of Colorado River water are "still working on it." The latest developments that we have heard about have centered on who would pay for the environmental mitigation associated with keeping conditions at the Salton Sea. What will happen next is difficult to predict. Meanwhile, the other six states have sent a joint response on the mid-March drafts of the revised QSA and appurtenant agreements and have offered to work with a small group of Californians as will be picked by that State to resolve outstanding issues that the other States have, including so-called "off-ramps" that allow one or several of the QSA parties to withdraw from the QSA deal. The bottom line is that the six states want CA to reduce its long-term dependence on Colorado River water – permanently - to stay within their normal apportionment of 4.4 million acre-feet (MAF).

**Silvery Minnow Case – New Mexico:** In a decision that is already making big new political waves in Congress over the impact of the Endangered Species Act on the allocation of scarce water supplies in the West, the Tenth Circuit Court of Appeals on June 12, 2003 ruled that the Bureau of Reclamation (BOR) has the legal discretion to reduce contract deliveries and restrict diversions of water to irrigation districts and cities in New Mexico to protect the Rio Grande silvery minnow, a fish species subject to protection under the Endangered Species Act (ESA). The Court thereby upheld a directive by the district court that, to meet flow requirements for protection of the silvery minnow, the BOR must reduce contract deliveries and diversions to its customers, including the City of Albuquerque. In other words, because of the ESA's mandate, all other increasing uses of declining water supplies are secondary to the need to ensure the survival of endangered species.

In the *Miccosukee Tribe of Indians v. South Florida Water Management District* court case, the Eleventh Circuit Court held that the transbasin diversion of water is a point source that requires an NPDES permit under the Clean Water Act. The U.S. Supreme Court granted certiorari (cert), i.e., accepted the case for review on June 27<sup>th</sup>. There are now conflicting opinions involving seven circuits. Four most recent cases hold an NPDES permit is required to transfer water from one water body to a more pristine water body, although no pollutants are added. The U.S. Solicitor General attempted to explain away the conflicts in response to the cert petition in *Miccosukee*, and thus the Federal Government failed to take a position that transfers do not require an NPDES permit. Water systems across the West rely on transbasin transfers of water to meet daily needs – including nationally important agricultural production in the Central and Imperial Valleys of California; Snake River Valley of Idaho; Yakima Valley in Washington;

and Weld and Larimer Counties in Colorado. Major western cities including Los Angeles, San Francisco, Las Vegas, Phoenix, Salt Lake City, Denver, and Santa Fe also rely on transbasin diversions to meet their needs. The Eleventh Circuit holding threatens ability to freely transfer water from one drainage to another without having to obtain an NPDES permit under the Clean Water Act.

The meeting adjourned at 12:00 noon.