



State Engineer's Office

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PATRICK T. TYRRELL
STATE ENGINEER

April 11, 2005

MEMORANDUM

TO: Members of the State Water Forum

FROM: Patrick Tyrrell, Chairman

SUBJECT: Attached for your review and information is a copy of the April 5, 2005 Water Forum meeting minutes. Please take a few moments and pencil into your calendar the Water Forum dates for this year.

WATER FORUM SCHEDULE 2004-2005 1ST TUESDAY OF EACH MONTH

DATE	INVITED GUEST	DISCUSSION ITEM
May 3 rd	Rik Gay	Kendrick Selenium Watershed Project

SPECIAL REPORT

The next meeting of the Water Forum will be May 3, 2005 at 10:00 a.m. in the State Engineer's Office conference room. During this session of the Water Forum, Rik Gay, who has worked with the Natrona County Conservation District will give a presentation on the Kendrick Selenium Watershed Project.

WYOMING STATE WATER FORUM MEETING MINUTES

April 5, 2005

Jodee Pring called the two hundred and forty-seventh 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>
Matt Bilodeau	COE	matthew.a.bilodeau@usace.army.mil
Jim Cranmer	WDEQ	jcramm@state.wy.us
Ed Kouma	BOR	ekouma@gp.usbr.gov
Bill Lockett	Casper Star-Tribune	lockett@trib.com
Jeremy Lyon	WDEQ-WQD	jlyon@state.wy.us
Hugh McFadden	AG	hmcfad@state.wy.us
Kirk Miller	USGS	kmiller@usgs.gov
Jodee Pring	SEO	jpring@seo.wyo.gov
Phil Stump	SEO	pstump@seo.wyo.gov
Katina Wilson	SEO	kwilso@seo.wyo.gov

AGENCY REPORTS

In order to assure accuracy in the reporting of the minutes, forms are passed out at the meeting to be completed by the representative of each agency. 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 Jodee Pring, 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: jpring@seo.wyo.gov. For more information on the following reports, please contact the agency representative listed above.

STATE ENGINEER'S OFFICE (SEO)

Jodee Pring reported the following:

Basin Advisory Group (BAG) meetings were held the latter part of March. The Wind/Bighorn BAG meeting was held March 22 in Riverton and the meetings scheduled for the Powder/Tongue BAG and the NE BAG on March 23 and 24 respectively, were cancelled due to the weather. Both meetings have been rescheduled. The Powder/Tongue BAG meeting will be held April 20 in Ucross and the NE BAG meeting will be held April 21 in Lusk.

The Bear River BAG meeting was held last night in Evanston and the remainder of the BAG meetings will be held this week. They are scheduled as follows:

Green River BAG – April 5 – Big Piney

Snake/Salt BAG – April 6 – Afton

Platte BAG – April 12 – Saratoga – this meeting will be held at the Parrish Hall and the final draft plan will be presented.

Please follow the Water Plan website at <http://waterplan.state.wy.us/> where you will find BAG meetings agendas, minutes of past meetings, and all other pertinent information.

The Yellowstone River Compact Commission will be holding their spring meeting in Sheridan on April 25 and 26.

The State Engineer's Office will be holding an all-agency meeting to kick off Phase II of our IT Initiative. Weston Solutions out of Seattle, WA has been chosen as the consultant for this project.

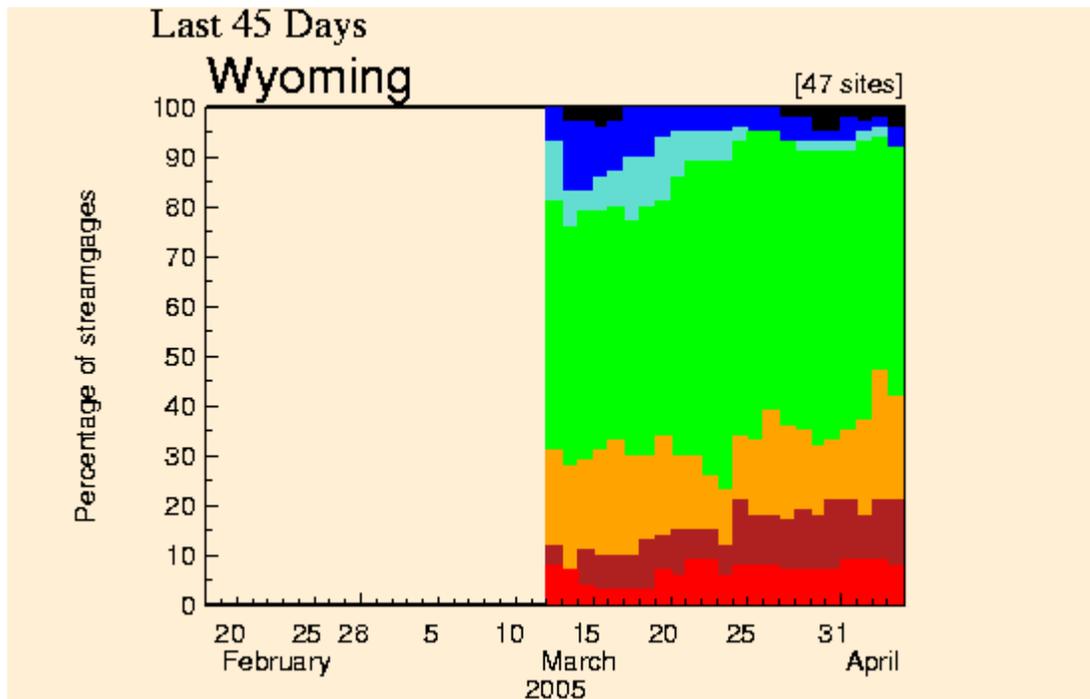
Just a reminder that all minutes of past Water Forum meetings and some powerpoint presentations are now on the State Engineer's Office website under "State Water Forum meetings". Please visit our website at <http://seo.state.wy.us/>

UNITED STATES GEOLOGICAL SURVEY (USGS) <http://wy.water.usgs.gov/>

Kirk Miller reported the following:

Current Streamflows <http://waterdata.usgs.gov/wy/nwis/rt>

Ice has come off at most streamflow-gaging stations in and near Wyoming. Streamflow conditions over the last 7 days at about 50 percent of reporting gages with 30 or more years of record are near normal (25th to 74th percentile); about 40 percent are below normal (24th percentile or less). As a whole, streamflow conditions generally are the lowest in the Tongue and Powder River basins where moderate hydrologic drought conditions persist (streamflows in the 6th to 9th percentile).



Explanation - Percentile classes						
New low	< 10	10-24	25-74	75 - 89	≥ 90	New high

2004 Retrospective <http://wy.water.usgs.gov/projects/drought/>

Average annual discharge at most gaging stations in and near Wyoming was less than the median annual discharge for the period of record. Water year 2004 average annual discharge was less than the period of record median average annual discharge at about 94 percent (101 of 107) of all stations with at least 10 years of annual streamflow data. About 35 percent (37 of 107) of all stations with at least 10 years of annual streamflow data recorded the third lowest or lower average annual discharge in water

year 2004. New record lows for average annual discharge were set at 15 of the 37 stations. The average record length for stations recording the third lowest or lower average annual discharge in water year 2004 was about 39 years.

In general water-levels in wells measured over the last several years have been declining and continued to decline in water year 2004. On average, water-levels in the statewide observation-well network decreased about 3.75 ft between water years 1999 and 2004. Record low water levels were recorded at about 55 percent of the wells with complete data in the statewide network in water year 2004. The average period of record from wells with record-setting low water levels was 25 years with the longest record being 48 years. Wells completed in the High Plains aquifer coincide with areas of ground-water withdrawal in southeastern Wyoming and comprise nearly 70 percent of the observation-well network.

New Publications <http://wy.water.usgs.gov/pubs/>

Hinaman, K., 2005, Hydrogeologic framework and estimates of ground-water volumes in Tertiary and Upper Cretaceous hydrogeologic units in the Powder River Basin, Wyoming: U.S. Geological Survey Scientific Investigations Report 2005-5008, 18 p., online version at URL <http://infotrek.er.usgs.gov/pubs/>

Mason, J.P., and Miller, K.A., 2005, Water resources of Sweetwater County, Wyoming: U.S. Geological Survey Scientific Investigations Report 2004-5214, 188 p., online version at URL <http://pubs.water.usgs.gov/sir2004-5214/>

Mason, J.P., Sebree, S.K., Quinn, T.L., 2005, Monitoring-well network and sampling design for ground-water quality, Wind River Indian Reservation, Wyoming: U.S. Geological Survey Scientific Investigations Report 2005-5027, 39 p., online version at URL <http://infotrek.er.usgs.gov/pubs/>

Miller, K.A., Clark, M.L., and Wright, P.R., 2005, Water-quality assessment of the Yellowstone River basin, Montana and Wyoming—Water quality of fixed sites, 1999-2001: U.S. Geological Survey Scientific Investigations Report 2004-5113, 82 p., online version at URL <http://pubs.water.usgs.gov/sir20045113/>

U.S. ARMY CORPS OF ENGINEERS – WYOMING REGULATORY OFFICE

Matt Bilodeau reported the following:

A guidance document on the removal of obstructions from waterways subject to Corps regulation has been finalized and follows.

The Corps will be sending a copy to Bobbie Frank, Director of the Wyoming Association of Conservation Districts, with a cover letter.

CLEAN WATER ACT REGULATIONS CONCERNING REMOVAL OF OBSTRUCTIONS FROM STREAM CHANNELS

The Federal Water Pollution Control Act (Public Law 92-500) enacted on October 18, 1972, was amended by the Clean Water Act (CWA) on December 28, 1977. Section 404 of the CWA authorizes the Secretary of the Army acting through the Chief of Engineers to issue permits for discharges of

dredged and fill material into waters of the United States. This paper defines circumstances under which authorization could be required for removal of obstructions such as trash, debris jams, gravel bars, and recently formed beaver dams from waters of the U.S. in Wyoming when undertaken for the purpose of appropriating surface water.

I. Waters of the United States. The term “waters of the U.S.” is used to define geographic jurisdiction under the CWA. It has been broadly defined by statute, regulation, and judicial interpretation to include all waters that were, are, or could be used to support interstate commerce. In Wyoming, all interstate rivers, tributaries (including ephemeral streams), and adjacent wetlands are subject to provisions of the CWA. The Corps published regulations in the *Federal Register* on November 13, 1986 (Vol. 51, No. 219) at 33 CFR Parts 320 through 331 and defined the limits of waters of the U.S. at Part 328.3. The Corps relies on evidence of an “ordinary high water mark” to define the physical limits of a stream channel, which is synonymous with the “bankfull” flow condition experienced during peak runoff in 2 out of 3 years on average.

II. Discharge of Dredged or Fill Material. The term "dredged material" means material that is excavated or dredged from waters of the U.S. The term "fill material" means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody. The term “discharge” means any addition, including redeposit of dredged material, into waters of the U.S.

For example, removal of debris such as trees and refuse from waters of the U.S. is not a discharge provided there is no redistribution of streambed material. Removal of streambed material with a tracked hoe without any redeposit into waters of the U.S. is not a discharge. However, use of a bulldozer to remove an obstruction that results in redistribution of streambed material within waters of the U.S. is a discharge of dredged material.

III. Exemptions. Section 404(f)(1)(A) of the CWA states that authorization is not required for discharges of dredge or fill material *"from normal farming, silviculture and ranching activities such as plowing, seeding, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices"*. Part 323.4(a)(1)(C)(1)(iv) of the regulations defines minor drainage as *"the discharges of dredged or fill material incidental to the emergency removal of sandbars, gravel bars, or other similar blockages which are formed during flood flows or other events, where such blockages close or constrict previously existing drainageways and, if not promptly removed, would result in damage to or loss of existing crops or would impair or prevent the plowing, seeding, harvesting or cultivating of crops on land in established use for crop production. Such removal does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected drainageway as it existed prior to the formation of the blockage. Removal must be accomplished within one year of discovery of such blockages in order to be eligible for exemption."*

Therefore, emergency removal of obstructions under the circumstances described above is exempt from regulation even if it results in a discharge of dredged or fill material into waters of the U.S. provided it is accomplished within 1 year of discovery. The Corps generally considers this exemption applicable in all cases for removal of obstructions that have been in place 2 years or less. The Corps may consider a longer time period appropriate under certain circumstances. In those instances, the person undertaking the activity should contact the Corps and obtain written verification to proceed prior to initiating the activity. Removal of any obstruction that has been in place for 5 years or more would not be considered exempt.

IV. Permits. Authorization is required for all discharges of dredged or fill material into waters of the U.S. that are not exempt. Currently, there are no general permits available that would authorize redistribution of streambed material or removal of obstructions such as beaver dams that have been in place for more than 5 years. Therefore, a standard permit review would be required. Information on permit applications and other program requirements in Wyoming can be obtained from the website at <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm> or by telephone at (307) 772-2300.

U.S. Army Corps of Engineers, Wyoming Regulatory Office
April 5, 2005

SPECIAL REPORT

Ed Kouma with the Bureau of Reclamation (BOR) was our special speaker for today. Mr. Kouma talked about the Water Forecast for the upcoming year. Notes from his presentation follow.

Boysen Reservoir is 132% of average and is 88% of capacity
Buffalo Bill Reservoir is 122% of average and is 73% of capacity

Bull Lake - BOR is expecting inflows of 135,000 acre-feet
Boysen – BOR is expecting inflows of 400,000 acre-feet
Buffalo Bill – BOR is expecting inflows of 400,000 acre-feet

Boysen is full at elevation 4724.50. BOR expects the reservoir to be at that level until June. Currently, 950 cfs is being released. High inflows are expected April – June. The BOR will release 1941 cfs in June (forecasted). There will be a flush next week (Tues.) from 950 cfs to 5000 cfs for 10 hours to flush out spawning ground. This is being done at the request of the Game and Fish. The releases will then slowly be ramped back down to normal outflow for irrigators.

Matt Bilodeau brought up the point up that the Army Corps of Engineers (COE), the Environmental Protection Agency (EPA) and the BOR will be getting together to discuss the possibility of the BOR needing a permit from the COE for the flushing flows that they occasionally do from BOR reservoirs. The COE is classifying it as a discharge of sediment into U.S. waters.

Buffalo Bill Reservoir is full at elevation 5393.50 and in June should be at elevation 5384.59. The forecasted winter flows at the Cody gage are approximately 200 cfs. The winter release will occur November through March.

The forecast for the North Platte basin is:

Seminole Reservoir – April through June inflow – 490, 200 acre-feet

Alcova to Glendo – 60,000 acre-feet

Sweetwater above Pathfinder – 70,000 acre-feet

The outflow out of Guernsey Reservoir in 2004 – 742,000 acre-feet. The 30 year average outflow is 1,203.600 acre-feet.

Mr. Kouma also reported that North Platte contractors are exploring the potential of individual carryover accounts.

The meeting adjourned at 12:00 p.m.