

Wyoming Water Association

2013

STATEMENT OF OBJECTIVES AND RESOLUTIONS

Wyoming Water Association's 2013 Resolutions and Statement in Support of Objectives
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WYOMING WATER ASSOCIATION
2013
-- STATEMENT IN SUPPORT OF OBJECTIVES --

Objectives of the Wyoming Water Association are to promote the development, conservation, and utilization of the water resources of Wyoming for the benefit of Wyoming people. The following statements, together with the current resolutions, express the objectives the Wyoming Water Association (WWA) shall diligently pursue by its officers and other authorized representatives.

1. **STATE WATER DEVELOPMENT PROGRAM:** The WWA:
 - Supports continuation of a statewide water development program including both ground water and surface water and rehabilitation of existing projects;
 - Recommends that the State Legislature continue to finance such a program;
 - Encourages all users to work with other interest groups for the multi-purpose development of uncommitted waters in Wyoming to provide water supplies for all uses;
 - Urges the Governor, the State Legislature and the Wyoming Water Development Commission to continue the examination of various methods of local, state and federal financing of water development projects and to adopt the most beneficial and expeditious methods;
 - Urges the State to carry out an information and education program for the people of Wyoming as to the means and methods of developing and funding potential water projects, based on scientific data; and
 - Urges the State to develop new water rather than mandate the transfer of existing water from one economic sector to another.

2. **MULTIPLE PURPOSE WATER PROJECTS:** The WWA supports the development of multiple purpose water projects to serve agriculture, recreation, fish and wildlife conservation, municipal, industrial, and other uses, and supports the State of Wyoming's participation in multi-purpose utilization.

3. **GROUND WATER:** The WWA urges the State Legislature to provide adequate funding for a program of ground water level monitoring and investigations and further urges the many companies engaged in exploration drilling to make a concentrated effort to properly plug, separate and seal off the various water bearing formations penetrated in their exploration drilling activities.

4. **HYDROELECTRIC POWER:** The WWA supports and encourages studies to evaluate potential hydroelectric sites and supports the development of feasible and environmentally sound projects.

5. **TECHNICAL EMPLOYEE SALARIES:** The WWA urges the Governor and the State Legislature to continue to examine the salary scale of the technical and legal employees of the State with the goal of salaries which are competitive with the Federal Government and private industry in order to retain a qualified staff for the best interest of Wyoming.

6. **MANAGEMENT OF PUBLIC LANDS:** The WWA urges that public land agencies use and expand the concept of maximum multiple use management.

7. **WILD AND SCENIC RIVERS:** The WWA urges federal legislation to require concurrence of

the State Legislature before a river or segment of a river in that state can be included in the Federal Wild and Scenic River System. Prior to any designation, the designating entity should document and make publicly available the precise flow rates needed to justify the designation.

8. **STATE WATER RIGHTS:** The WWA urges that all federal legislation regarding water rights acknowledge the right of the states to control the water resources within their boundaries in accordance with state water law, interstate compacts and decrees.

-- WWA RESOLUTIONS FOR 2013--

**RESOLUTION NO. 1
WYOMING WATER DEVELOPMENT PROGRAM**

WHEREAS, the Wyoming Water Development Commission has the primary responsibility for implementing the Water Development Program which has been vigorously pursued; and

WHEREAS, the purpose of the Wyoming Water Development Program is to develop Wyoming's water resources; and

WHEREAS, many Wyoming entities, including municipalities, counties, joint powers groups, landowners, business and professional firms, and recreational interests are vitally interested in water development and rehabilitation projects;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports the ongoing water development program for Wyoming;

BE IT FURTHER RESOLVED, that the Wyoming Water Association stands ready to assist and work closely with the Wyoming Water Development Commission and staff in every possible way to accomplish an expeditious and effective water development program;

AND BE IT FURTHER RESOLVED, that the Wyoming Water Association encourages the Commission to utilize the expertise of Wyoming business and professional firms to the maximum extent practicable in implementing this program.

**RESOLUTION NO. 2
FINANCIAL STABILITY OF THE WYOMING WATER DEVELOPMENT PROGRAM**

WHEREAS, funding mechanisms for the Water Development Program were established using revenues from Wyoming's depletable non-renewable resources in order to develop a long-range renewable water resources program; and

WHEREAS, the justification for state funding of water development projects must include long-range benefits to the State of Wyoming, including facilitating economic development opportunities, which are critically important to the state's well being; and

WHEREAS, the established funding provisions must be maintained in order to provide a reliable and sustainable funding source which is so important to the success of a program of this kind;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association urges the

Governor and the Legislature not to divert Water Development Funds to other uses even on a temporary basis and to recognize that such diversion will compromise the long-range objectives of the water development program and adversely impact economic development of the state.

**RESOLUTION NO. 3
ENDANGERED SPECIES IN THE PLATTE RIVER BASIN**

WHEREAS, in 1978 the U.S. Department of Interior designated a 53-mile reach of the Platte River in central Nebraska as a "critical habitat" necessary for the recovery of the endangered whooping crane, interior least tern, and piping plover and such designation has resulted in extensive restrictions that have caused substantial costs, time-consuming delays, and impediments for state and local governments and private citizens of Colorado, Nebraska, and Wyoming in carrying out needed and important water resources development, conservation and management programs; and

WHEREAS, on January 1, 2007 the Platte River Recovery Implementation Program became effective in accordance with an agreement among the Governors of Wyoming, Colorado, and Nebraska and the Secretary of the Department of Interior to implement the Platte River Recovery Implementation Program, which provides a basin wide approach to resolve endangered species issues;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports the Platte River Recovery Implementation Program as a basin wide approach to the endangered species issues that recognizes interstate compacts and court decrees and state water laws and policies so as to provide the certainty the states need to manage their water resources. (Polished in 2009.)

**RESOLUTION NO. 4
FERC HYDROPOWER LICENSING AND STATE WATER RIGHTS**

WHEREAS, it is the stated policy of the United States Congress that the issuance of licenses for the development or relicensing of hydroelectric projects shall not interfere with state laws governing the regulation and distribution of water or adversely affect any vested water right acquired under those state laws; and

WHEREAS, the Federal Energy Regulatory Commission (FERC), in several orders granting licenses, has made it clear that it intends to assert exclusive jurisdiction over any water use related to hydropower development;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports amendment of the Federal Power Act to assure that applicants for hydropower licenses comply with state water law, thus restoring the intent of Congress that state law govern water use associated with a hydropower project.

**RESOLUTION NO. 5
WETLANDS**

WHEREAS, the Wyoming Water Association is sensitive to society's desire to protect wetlands so that these values are perpetuated for future generations; and

WHEREAS, western states have created and enhanced wetlands through the development of irrigation systems, elevation of water tables, recharging of aquifers, creation of cropland and pasture as sources of water, food, cover, and soil and water conservation; and

WHEREAS, the Wyoming Water Association considers the issue of wetlands management to be driven by and predicated upon the fundamental issue of water management and the states' prerogatives to manage and administer water within their borders, and the governments of the western states understand better than the federal government the dramatic impacts of wetland policies on state lands, natural resources, people, lifestyles, environment, constitutional rights, and economies; and

WHEREAS, interpretation and implementation of wetland definitions and regulations varies between the several federal agencies with a responsibility in wetlands regulations, and these agencies do not incorporate state water planning to an adequate degree in their analyses; and

WHEREAS, each area of the United States is uniquely different in rainfall, surface waters, soil type, and vegetation; and

WHEREAS, the concept of wetland banking can be useful in increasing the number of acres of wetlands restored as well as decrease the permitting time required if wetlands mitigation is a part of an individual project;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association believes that state and federal definitions should require that wetland hydrology, hydrophytic vegetation and hydric soils be present to qualify as a wetland; and

BE IT FURTHER RESOLVED, that the Wyoming Water Association endorses the concept of wetland banking and encourages its use and acceptance by the federal agencies;

AND BE IT FURTHER RESOLVED, that the Wyoming Water Association believes that each state should have the authority to assess and develop a consistent, coordinated, and realistic wetlands policy that will enhance their wetlands, natural resources, and environment; that will involve state management and administration of water within their borders; that will reconcile public policies and encourage sound conservation while fulfilling the individual needs of the people, cities, towns, and counties within each state.

RESOLUTION NO. 6 LONG TERM STREAMFLOW DATA

WHEREAS, the collection, recording and preservation of historic streamflow data are essential to water planning, management, administration and other water studies; and

WHEREAS, several long term stream gages in the State Engineer's cooperative program with the United States Geologic Survey (USGS) have been or are being considered for discontinuation due to inadequate funding;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports the continuation, and rehabilitation as needed, of all current long term stream gages and the addition of new stream gages deemed necessary; and

BE IT FURTHER RESOLVED, that the Wyoming Water Association urges full federal funding of the National Streamflow Information Program (NSIP), and the restoration of 50/50 state/federal funding for the Cooperative Streamgaging Program; and

BE IT FURTHER RESOLVED, that the Wyoming Water Association supports funding by the State and USGS for such gaging. (2nd Resolve added 2012)

**RESOLUTION NO. 7
WATER RESOURCES DATA SYSTEM**

WHEREAS, the Water Resources Data System (WRDS) was created through funding provided to the University of Wyoming (UW) from the water planning program of the Wyoming State Engineer's Office in 1968; and

WHEREAS, the system has grown into the single largest repository of climatological and hydrological data for the State of Wyoming and serves a large clientele; and

WHEREAS, the state's ongoing funded river basin planning process utilizes WRDS to disseminate and archive planning products and as its technical arm for spatial and tabular data storage, manipulation and dissemination; and

WHEREAS, WRDS is working closely with other agencies and organizations (such as the Wyoming State Engineer's Office, Wyoming Geographical Information Sciences Center, and the Wyoming State Geological Survey); and

WHEREAS, timely access to credible Wyoming water information is critical to policy and decision makers involved in the development and management of the state's water resources;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association urges the Governor and the Wyoming Legislature to continue their support of the WRDS as a line item in the Water Development Commission budget;

AND BE IT FURTHER RESOLVED, that the Wyoming Water Association urges the University of Wyoming and the College of Engineering to continue its support for WRDS. (New in 2001, added reference to Governor in 2007, changed name of college in 2008, edits in 2011, State Climatologist removed in 2012, reworded in 2013.)

**RESOLUTION NO. 8
ENDANGERED SPECIES ACT**

WHEREAS, the Endangered Species Act (ESA) of 1973 is the nation's landmark environmental law designed to protect endangered and threatened animal and plant species; and

WHEREAS, reauthorization of the ESA has not occurred since September 30, 1992 and it is apparent the ESA is not achieving its stated primary objective of species recovery; and

WHEREAS, costs of administering and complying with the ESA and implementing measures either directed by or resulting from interpretation of the Act continue to fall disproportionately on local and state governments, industries, and private property owners; and

WHEREAS, prior legislative proposals to reauthorize the ESA have attempted to make substantive procedural changes that would enable and facilitate recovering endangered species while providing more effective administration, establishing legitimate checks and balances, and accommodating essential economic activities while recovering endangered species;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association urges Congress to reauthorize and amend the ESA to focus on habitat-based species recovery, provide incentives and increase accountability, establish clear and objective scientific standards, provide larger and more meaningful roles for state and local governments, provide appropriate consideration of the economic impacts of species' recovery programs, allow locally-developed alternatives to be implemented so as to forestall and obviate further species listings, and refine the Act's purposes to constrain court and administrative actions from further overextending the intended purposes of the ESA;

AND BE IT FURTHER RESOLVED, that the Wyoming Water Association supports the efforts of the National Water Resources Association, the Western Governors Association and the National Endangered Species Act Reform Coalition in seeking responsible and meaningful ESA reforms and amendments that will protect existing and future water uses, private property rights and state authorities, while ensuring the protection and recovery of the nation's fish, wildlife and plant species. (Edits in 2006, edits in 2009, 2010 and 2013.)

**RESOLUTION NO. 9
DEVELOPMENT OF WATER IN MINED LAND RECLAMATION**

WHEREAS, the mining industry has the opportunity to develop surface and ground water resources of benefit to Wyoming agricultural and wildlife use in conjunction with ongoing reclamation, with little or no cost to the Water Development Commission funds;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association encourages and supports efforts of the Wyoming mining industry to develop surface and ground water resources for the benefit of the post-mining ranching community provided that such projects are consistent with Wyoming water law. (New in 1994, renumbered in 2013.)

Former Resolution 9 – “Additional North Platte Storage” (Deleted in 2013)

**RESOLUTION NO. 10
SUPPORT FOR THE STATEWIDE WATER PLANNING PROCESS**

WHEREAS, the Water Planning Forum, conducted in June 1996, sponsored by the Wyoming Water Development Association in cooperation with the Governor's Office, disclosed that a comprehensive statewide water plan is widely supported by Wyoming people whose lifestyles and livelihoods are dependent upon water; and

WHEREAS, declining funds available for water development projects and increasing demand from various segments of the water using public require that the State evaluate and prioritize investment in renewable resources; and

WHEREAS, state of the art computer and communications technology is now being used to create Wyoming's 21st Century water plan that is easily accessible to the public and easily updated as conditions change and new information is generated; and

WHEREAS, a comprehensive, flexible plan that is continually updated is a valuable resource to lay citizens, water managers, and elected officials in both defending Wyoming's water rights and in making appropriate investment decisions relating to water development and maintenance of the state's water infrastructure; and

WHEREAS, the 1999 Wyoming Legislature authorized and funded the initiation of Wyoming's ongoing statewide water planning process; and

WHEREAS, the Wyoming Legislature continues to authorize and appropriate funds for statewide water planning to continue;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association urges the Governor and the Wyoming Legislature to continue to support and fully fund the continuous and comprehensive statewide water planning process including River Basin Plans, Watershed Studies, and the development of basin-wide Decision Support Systems. (New in 1997, updated in 2007, reworded in 2012 and 2013, renumbered in 2013.)

**RESOLUTION NO. 11
TRANSFERS OF AGRICULTURAL WATER RIGHTS**

WHEREAS, Wyoming's unique quality of life is inexorably tied to the maintenance of an agricultural economic base and life style; and

WHEREAS, federal permit decisions relating to Wyoming water projects have identified the transfer of agricultural water rights to municipal uses as an alternative preferred to the construction of new projects to develop Wyoming's presently unused and unappropriated waters, to which the state is entitled by various decrees, compacts and agreements; and

WHEREAS, such transfers represent irreversible land use decisions which, if made at all, should be made at the state and local level, and not by federal mandate;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association opposes the transfer of agricultural water rights to other uses when such transfer is a requirement of the federal government. (New in 1997, renumbered in 2013.)

**RESOLUTION NO. 12
OFFICE OF WATER PROGRAMS / WYOMING WATER RESEARCH PROGRAM**

WHEREAS, federal matching funds through the U.S. Geological Survey (USGS) are available to the University of Wyoming for water related research and training under certain criteria, including the stipulation that the research address State of Wyoming needs; and

WHEREAS, the University of Wyoming (UW) has appointed a Director of the UW Office of Water Programs to administer the National Institute of Water Resources (NIWR) program; and

WHEREAS, the intent of this office is to coordinate water related research and training performed at the University of Wyoming with the appropriate State of Wyoming agencies;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association support this coordination of water related research and training and recognizes the opportunity to leverage the available USGS funds for the benefit of the State of Wyoming; and

BE IT FURTHER RESOLVED, that the Wyoming Water Association urges the State to provide Water Development Program funds for the UW Office of Water Programs and Wyoming Water Research

Program to further water research activities in coordination with the NIWR. (New in 2000, add “training” in 2008, updated in 2011, revised and renumbered in 2013.)

RESOLUTION NO. 13
CONTINUING WYOMING’S PARTICIPATION IN THE UPPER COLORADO RIVER
ENDANGERED FISH SPECIES RECOVERY PROGRAM

WHEREAS, the State of Wyoming continues to participate in the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin which has the dual objectives of recovery and delisting of four species of endangered fish native to the Colorado River Basin and continued water development in the Upper Colorado River Basin; and

WHEREAS, the Recovery Program has, since its inception in 1988, provided the reasonable and prudent alternatives to avoid jeopardy to the endangered species for federal Endangered Species Act (ESA) Section 7 consultation actions for more than 1,800 federal, state and private water projects which have the capacity to deplete or are currently depleting more than 2,840,000 acre-feet; and none of these projects’ biological opinions have been litigated nor has any water project been halted because of administration of the ESA since the Program has been in place; and

WHEREAS, Congress recognizes the ability of the Program to continue to accomplish its objectives of recovery of the four fish species and continuation of water development will not occur without adequate funding to complete necessary construction projects for the Recovery Program and therefore has enacted and on several occasions has amended Public Law 106-392 authorizing extensive capital construction of facilities to benefit the endangered fish and their habitat for the Upper Colorado Recovery Program and a sister program in the San Juan River Basin; and

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association strongly supports full and continuing participation of the State of Wyoming in the Upper Colorado River Endangered Fish Recovery Program. (New in 1998, edits in 2006, removed references to specific federal legislative amendments in 2007, updated in 2008, 2009, 2010, and 2011, renumbered in 2013.)

Former Resolution 15 – “Watershed Plans Addressing Impaired Stream Segments (303(D) List Under the Clean Water Act) (Deleted at request of DEQ in 2012)

RESOLUTION NO. 14
MANAGEMENT OF WATER PRODUCED AS A BYPRODUCT OF INDUSTRIAL ACTIVITY

WHEREAS, various companies produce water as a by-product of industrial activities; and

WHEREAS, these companies typically operate in areas of the State that could benefit from the use of produced water for such purposes as agriculture, wildlife and recreation;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports responsible development and beneficial use of produced water so long as the water and property rights of landowners are protected, the long term viability of land uses is sustained, and such projects are consistent with Wyoming law. (New in 2000, renumbered in 2012, 2013.)

**RESOLUTION NO. 15
WATER CONSERVATION**

WHEREAS, Wyoming's Constitution recognizes water as the property of the state; and

WHEREAS, the Constitution further recognizes that the waters of the state may be used for any and all beneficial uses as specified by statute or the State Engineer; and

WHEREAS, it is essential that the state, as a good steward of her natural resources, seeks maximum use of water for all recognized beneficial uses, carry out Wyoming water law, including the priority of rights doctrine;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports water conservation consistent with decisions, policies, and statutes that maximize the beneficial use of water without causing injury to any existing water right holders. (New in 2006, edited in 2007, shortened in 2009, renumbered in 2012, 2013.)

**RESOLUTION NO. 16
WYOMING WEATHER MODIFICATION**

WHEREAS, the objective of the Wyoming Water Association is to promote the development, conservation, and utilization of the water resources of Wyoming for the benefit of Wyoming people; and

WHEREAS, the Wyoming Water Association has been a moving force to unify, support and encourage many of the constructed state and federal multiple use water projects; and

WHEREAS, the Wyoming Water Development Commission shall encourage development of water facilities for irrigation, for reduction of flood damage, for abatement of pollution, for preservation and development of fish and wildlife resources and for protection and improvement of public lands and shall help make available the waters of this state for all beneficial uses, including but not limited to municipal, domestic, agricultural, industrial, instream flows, hydroelectric power and recreational purposes, conservation of land resources and protection of the health, safety and general welfare of the people of the state of Wyoming; and

WHEREAS, the Wyoming Water Development Commission serves to develop basin wide plans for each of the state's major drainage basins and these plans identify water supply problems, water quality problems and development opportunities through projects that benefit more than one entity, are multipurpose in nature and are configured to serve present needs and provide water that can meet future needs; and

WHEREAS, the Wyoming Water Development Commission is proceeding with a weather modification pilot program, is pursuing the development and permitting of cloud seeding activities, and is developing a comprehensive independent scientific evaluation of the efficacy and economics of said operations; and

WHEREAS, the Wyoming Water Development Commission has completed environmental studies and obtained the requisite federal permits for the siting of ground-based seeding equipment in the Medicine Bow-Routt National Forest; and

WHEREAS, the seven basin states of the Colorado River Basin have identified weather modification as a strategy for augmenting flows in the Colorado River Basin;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports the Wyoming Water Development Commission's weather modification operations and evaluation of the potential to enhance snow pack. (New in 2006, updated in 2007 and 2011, renumbered in 2012, 2013.)

Former Resolution 16 – “Drought Management” (Deleted in 2013)

**RESOLUTION NO. 17
WATER PRODUCED FROM COAL BED NATURAL GAS**

WHEREAS, the objective of the Wyoming Water Association is to promote the development, conservation, and utilization of the water resources of Wyoming for the benefit of Wyoming people; and

WHEREAS, the recovery of Coal Bed Natural Gas is critical to the United States Energy Plan; and

WHEREAS, the recovery of Coal Bed Natural Gas produces a substantial amount of water of variable quality; and

WHEREAS, various management methods of the Coal Bed Natural Gas produced water exist; including, but not limited to; capture and release, treatment and release, misting, well injection, and relocation;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association supports the recovery of Coal Bed Natural Gas and encourages the Wyoming State Legislature to enact legislation requiring the environmentally and ecologically responsible utilization of water generated by Coal Bed Natural Gas extraction. (New in 2007, renumbered in 2012, 2013.)

**RESOLUTION NO. 18
INCREASED FUNDING FOR WATER DEVELOPMENT PROJECTS**

WHEREAS, the objectives of the Wyoming Water Association are to promote the development, conservation, and utilization of the water resources of the State for the benefit of Wyoming; and

WHEREAS, the agricultural irrigation water diversion and conveyance delivery infrastructure in Wyoming critical to the continued use of irrigation water is aged and in need of rehabilitation or replacement to ensure local and regional economic benefits and the continuation of the customs and culture of the State and its people; and

WHEREAS, in Wyoming over 700,000 acres of irrigated lands are served by legal entities that qualify for Wyoming Water Development Programs that fund irrigation system infrastructure rehabilitation;

NOW THEREFORE BE IT RESOLVED, that the Wyoming Water Association urges the Governor of Wyoming and the State Legislature to increase annual funding for Wyoming Water Development Account II, Rehabilitation, to a level adequate to address the identified need; and

BE IT FURTHER RESOLVED, that the Wyoming Water Association urges the Governor and 2013 Legislature to provide an immediate infusion of funds into the Wyoming Water Development Program Account II to provide funding for projects that have been or will be postponed due to the insufficiency of funds. (New in 2007, updated in 2008, 2009, and 2010, renumbered in 2012 and 2013, reworded in 2013.)