



YOUR WYOMING WATER *CONNECTION*

Wyoming Water Association Newsletter

March 2020

Save the Date

Please join us for

The Wyoming Water Association

2020 Summer Tour

Worland, Wyoming area

Friday, June 26, 2020

Highlights of the tour include:

Leavitt Reservoir

Medicine Lodge

Alkali Reservoir

Take advantage of the benefits of becoming a member of the Wyoming Water Association today by filling out the membership application on page 6 or visiting us online at www.wyomingwater.org.

WWA members,

Because of the uncertainty that COVID-19 has created for our communities, we offer the details about the Summer Tour in earnest, knowing that circumstances may not allow the event to take place.

The WWA will continue to monitor the situation and reschedule the summer tour if there is any concern about the health of our members.

Thanks for your membership with WWA, we look forward to seeing you all soon.

Sincerely,

Cory and the WWA Board

2020 WWA

Board of Directors

Position/Sector	Name
President	Cory Toye
1st Vice President	Jodee Pring
2nd Vice President	Dayton Alsaker
Secretary/Treasurer	Barry Lawrence
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Recreation and Conservation	Cory Toye Brent Lathrop Tom Annear Barry Lawrence
Labor & Civic	Mark Pepper John Maier Sue Lowry Dayton Alsaker
Local Government	Jodee Pring Bryan Seppie Dan Roberts Dena Egenhoff
Admin Consultant	Radona Williams

The Wyoming Water Association has a new address!

Please send all correspondence to:

Wyoming Water Association

PO Box 1226

Saratoga WY 82331



WWA Mission Statement

The 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 Wyoming Water Association, on behalf of water users state wide, thank Legislators for their efforts and accessibility during this most recent budget session. We appreciate the opportunities offered to provide input and guidance on specific legislation to better serve constituents interested in Wyoming's water resources with governance that best serves the continuing protection and use of water for benefit of all of Wyoming.

Below is a list of proposed bills that the Wyoming Water Association tracked during this past legislative session.

HB0058	State Engineer list of approved flumes	Bill laid back
HB0081	Emergency water projects account	Bill passed
HB0097	Omnibus water bill - construction	Bill passed
SF0022	Surface water diversion	Bill passed
SF0045	Underground disposal wells	Bill passed
SF0048	Solid waste cease and transfer	Bill passed
SF0060	WYPDES fees	Bill passed
SF0061	Omnibus was bill - planning	Bill passed
SF0066	Retiring Electric generation facilities - financial assurance	Bill died in committee
SF0074	Permit not required for using a de minimum amount of water	Bill died in committee
SF0075	Instream flow application process	Did not consider for Committee of the Whole
SF0082	Public Records Amendments	Bill passed
SF0083	Budget and Financial data reporting	Bill passed
SF0095	Wyoming Colorado River Committee	Did not consider for Committee of the Whole
SF0099	Mineral Royalty Grant & Loan Qualification	Failed 3rd reading

The following page includes the positions the Wyoming Water Association took on several bills. These comments were taken from the February 19, 2020 position statement sent out to each legislature.

HB 97: Omnibus Water Bill - Construction

The WWA in **general supports this bill**. However, the legislature should consider that funds from Wyoming Water Development accounts, if they are reallocated to HB0097-Emergency Water Projects Account, will ultimately reduce the ability for new water projects to occur in Wyoming.

SF 61: Omnibus Water Bill - Planning

The WWA **supports this bill** but does not support the amendment to limit the state contributions for projects at 90% of the project cost. The WWA supports this conversation about requiring sponsors to have funds in the project, however, this is a complicated conversation that will demand a thorough investigation of WWDC rules and regulations to implement. Creating a bright line rule such as this amendment attempts, will not fairly address the wide spectrum of project types and situations. This amendment could limit the state's opportunity to develop Wyoming's water with sponsors.

HB 58: State Engineer List of approved flumes

The WWA **does not support this bill**.

The State Engineers Office already has a mechanism in place to address water measuring devices. This bill is unnecessary governmental oversight on a process that currently works.

This bill provides additional work for the Wyoming Legislators to review and approve flumes and measuring devices annually. Experts within the four water divisions responsible for flumes and measuring devices already exist. Legislation is not necessary for a best management practice list of measuring devices.

Intent is not clearly stated. The cost of these measuring devices also may be an unnecessary burden on the water right owner.

The bill does not include grandfathering those measuring structures already in place and may have additional unforeseen costs on water right appropriators across the State of Wyoming.

SF 74 Permit not required for using a de minimus amount of water:

The WWA **does not support this bill**.

We believe policies are already in place to regulate and manage activities this legislation contemplates.

The WWA feels it is important for a permitting process to be in place to protect other water right holders that could be injured by this type of project through potential reductions in available water and timing of water releases. This permitting process maintains jurisdiction with administration and appropriation of water with the State of Wyoming through the State Engineer's Office. This bill invades the constitutional authority of the State Engineer's Office to control all waters of the state.

There is no definition of or defined method of how to calculate "a de minimus" amount of water that could be reasonably defended through the annual hydrograph in waterways across the state.

SF 75: Instream flow application process:

The WWA **does not support this bill**.

Instream flow water rights are a legitimate beneficial use - one of only three beneficial uses recognized by statute and are owned by all citizens in Wyoming. All other beneficial uses are established by the State Engineer's Office (SEO). Wyoming's system of prior appropriation was established a system to preclude individuals from reserving water in excess of their immediate needs by speculating on future, unidentified uses. Opposing an instream flow right for any reason other than that causes injury to an existing water right (i.e. we might need that water for something else someday) is counter to our system of prior appropriation and would be a dangerous precedent to set.

Creating rule-making/appeals process for WWDC to decide whether to submit or withhold an instream flow right places that agency in a regulatory position that would conflict with responsibilities accorded the SEO by the state constitution. Thus WWDC may not act unilaterally to withhold those rights. This bill would politicize the instream flow filing process and undermine the State Engineer's legitimate authority.

Game and Fish Department have a public process in place and have invested thousands of dollars and extensive time in each instream flow application. Adding this level of bureaucracy to address an issue that is already recognized and addressed is an irresponsible use of public resources.

Finally, SF 75 places the WWDC in a regulatory and adjudicatory decision making position by giving it sole authority to withdraw or submit an instream flow petition in direct conflict with the constitutional authority of the SEO to adjudicate all water rights. The bill also proposes to make the WWDC act without any standard or reason for its decision, with no provision for a fair hearing under established law and no appeal. The bill would only unnecessarily politicize the instream flow water right process.

SF 95: Colorado River Committee:

The WWA **does not support this bill** due to legislative overreach and unnecessary legislative oversight.

The Wyoming State statutes are clear that the executive branch of the government has the authority to represent the state of Wyoming in negotiations with any other Colorado River basin state on all matters relating to the upper Colorado River basin compact and the Colorado River compact.

Current process is already in place under Drought Contingency planning and potential demand management programs to solicit participation from stakeholders that could be impacted by potential policies. The University of Wyoming is currently moderating working groups throughout the Green River and Little Snake River Basins to encourage public participation and provide as much transparency as possible. The state of Wyoming and other Upper Basin States will depend on information gathered through public process to determine the direction of new policies related to drought contingency and demand management efforts (if demand management is determined a viable theory).

The current estimate for fiscal impacts grossly underestimates the cost of this committee. \$10,000 would not cover meeting costs, per diem and other required expenses.

HB 81: Emergency water projects account:

The WWA **does not support the amendment to this bill** that requires funding from this bill to come from Water Development Account I rather than the General Fund.

The WWA urges 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.

Interstate Council on Water Policy (ICWP) is again spearheading the support to Congress for basic streamgaging programs at the USGS. The Wyoming Water Association has signed on in this effort. The final letters to House and Senate Appropriations committees will be posted at <https://icwp.org/streamgage-support/>

A draft of the letter is below:

Coalition Supporting USGS Streamgaging Networks & Modernization

Senator Lisa Murkowski, Chairman

Senator Tom Udall, Ranking Member

Senate Appropriations Subcommittee on Interior, Environment & Related Agencies

131 Dirksen Senate Office Building

Washington, D.C. 20510

Regarding: WATER DATA & SCIENCE PROGRAM FUNDING March 18, 2020

Interior Department Appropriations for FY-2021

Summary of Coalition's Requested increases for FY21:

Federal Priorities Streamgages is \$27.5 M

Cooperative Matching Funds for Streamgaging Network is \$33 M

NGWOS and Data Delivery Modernization is \$20M

Dear Senator Murkowski and Senator Udall:

As leaders in the undersigned organizations, we urge your support to enable the US Geological Survey (USGS), a Bureau in the Department of Interior (DOI), to fully support its streamgaging networks. These vital networks, managed within the USGS Groundwater and Streamflow Information Program, provide critical and life-saving information and serve the national interest with continuous streamflow information at over 8,400 locations. Additions to these networks are needed to adequately manage the Nation's critical water supplies and infrastructure. The members of our organizations rely on the streamgaging data and science that USGS produces and many of us represent active, cost-share partners in funding the data collection that Congress and the federal agencies require.

Information from these valuable streamgages are utilized by emergency responders, water supply managers, water quality administrators, recreationists, consulting engineers, and many others in forecasting and response during floods, droughts, and other extreme events, design of bridges and other infrastructure, energy generation, management of federal lands, design and operation of federal reservoirs and navigation infrastructure. These networks provide critical information to other bureaus of the DOI and to the U.S. Corps of Engineers, NOAA, EPA, USDA, and other federal agencies, as well as providing information essential to Congressional oversight and revision of many federal laws, including the Clean Water Act, Safe Drinking Water Act, Endangered Species Act, and many interstate compacts and international treaties.

Federal Priority Streamgage (FPS) Network (formerly referred to as the National Streamflow Information Program, “NSIP”): was authorized by Congress in 2009, to operate and maintain a stable “federal backbone” network of streamgages to meet five specific national needs for streamflow information at (1) interstate and international boundaries, (2) National Weather Service flood forecast sites, (3) outflows of major river basins, (4) “sentinel watersheds,” needed to evaluate and anticipate the potential consequences of ongoing changes in American land use, water use, climate etc., and (5) national priority water-quality monitoring sites. Our national ability to collect sufficient water data at the needed locations to answer the necessary federal, state, tribal, local, business and NGO questions is seriously compromised by the insufficient funding for the FPS Network. As funding for this network has been flat for the past 5 years, USGS will be forced to reduce, rather than increase, the gages supported by the FPS Network. Also, contemporary water management issues such as ecological flows were not considered when the original national criteria were developed for the Network. Additional funding would begin to meet these needs. Today, only 25 % of the Federal Priority Streamgages are fully funded by the federal government. The USGS is unable to complete development of the Network, as Congress directed in 2009, without additional funding. Full implementation of the Federal Priority Streamgage Network is estimated at \$125M. **Requested Funding Level by this Coalition for Federal Priorities Streamgages is \$27.5 M for FY21 to begin to address the critical funding shortfall for the FPS network.**

Cooperative Matching Funds: The USGS works with over a thousand partners nation-wide (federal, state, tribal, local, and NGO) using Cooperative Matching Funds to jointly support USGS streamgages, many of which meet the criteria of the FPS Network. This matching program, which began as a 50-50 program, has seen the federal cost-share contribution decrease from 50 % to less than 30 %. Given the ability for this program to enable and encourage the expansion of vitally needed streamgages on a two for one (or greater) cost basis, an increase over the FY20 level of \$29.6 M will allow for an expansion beyond the 5,345 streamgages currently covered under this program. **Requested Funding Level by this Coalition for Cooperative Matching Funds for Streamgage Network is \$33 M for FY21.**

Related Programs within the USGS Water Mission Area-- Next Generation Water Observation System (NGWOS) and Modernization of the Networks and Data Delivery: Our coalition very much appreciates Congress’ recent support of NGWOS and modernization efforts. Build-out of this innovative program will provide focused monitoring in ten basins nationwide to better calibrate modeling, thus improving the ability to estimate water supply in the nation’s many ungaged areas. Additional gaging stations added in the NGWOS basins supports the goals of increasing gages nationwide under the FPS Network and through Cooperative Matching Funds. We are supportive of the modeling and predictive analytical work being developed by the USGS. A robust network of physical gages is crucial to the calibration of many models (including NOAA’s National Water Model and those developed by others); however, this coalition’s primary support remains directed toward adequately supporting, invigorating and expanding the real-time stream gages across the U.S. **Requested Funding Level for NGWOS and Data Delivery Modernization is \$20M to enable a third pilot basin to be identified and funded and to allow USGS to continue to modernize water data delivery systems that benefit all water users across the nation.**

With your help and continued support, Congress can enable the USGS to fulfill its Water Resources Mission Area goals, including working toward full implementation of the Federal Priority Streamgage Network, adequately funding the Cooperative Matching Funds for streamgaging and moving water science into the 21st century through much needed modernization upgrades.

We are happy to answer your questions or provide additional information; please contact any of us or Sue Lowry at the Interstate Council on Water Policy (Sue@ICWP.org or 307-630-5804).



WYOMING WATER ASSOCIATION

2020 Membership and Renewal Form

Water is Wyoming's Gold!

DUE March 1, 2020

The WWA Board has established the following dues schedule for calendar year 2020:

Membership Class:	Annual Membership Dues:
Student	\$25.00 (includes participation at all WWA events including Annual Meeting and Education Seminar)
Individual	\$50.00
Businesses:	
Small (1-10 employees)	\$100.00
Medium (11-100 employees)	\$200.00
Large (101+ employees)	\$350.00
Associations	\$100.00
Conservation Districts	\$100.00
Irrigation Districts	\$.01/acre... Minimum of \$100.00
Drainage Districts	\$100.00
Special Districts (Including Water & Sewer, Irrigation & Drainage, etc.)	\$100.00
Municipalities:	
100 to 1000 population	\$125.00
1,001 to 5,000 population	\$250.00
5,001 and over	\$500.00
Governments	\$500.00
Joint Powers Boards	\$500.00

Please fill out the short form below and return it, along with your dues payment, to the WWA today.

Yes, please renew my Wyoming Water Association membership for the 2020 Calendar Year.
I have enclosed \$ _____ as my/our dues payment for the coming year.

NAME _____

ORGANIZATION _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ E-MAIL _____

Please mail your dues payment to: Wyoming Water Association, P.O. Box 1226, Saratoga, WY 82331.

Should you have additional questions, please call the WWA at 307-706-1377 or email radona@wyomingwater.org.

THANK YOU FOR YOUR SUPPORT.

The Wyoming Water Association wishes to thank the following for their support and contributions to the 2019 WWA Annual Conference:

University of Wyoming Office of Water Programs

Benchmark of Torrington

Sunrise Engineering

Water Resources Data Systems

Thompson Pipe Group

Hubbel Lenoir City, Inc

We hope to see you all in Lander in October for the 2020 WWA Annual Conference!

Contact Us

Give us a call for more information about our services and products

Wyoming Water Association

3077061377

radona@wyomingwater.org

Visit us on the web at
www.wyomingwater.org



Wyoming Water Association

Announces

2020 Annual Conference

October 21—23, 2020

Lander Community and Convention Center
Lander, Wyoming

More information coming soon!