

State Engineer

Mission and philosophy

The mission of the Wyoming State Engineer's Office and Board of Control is to provide for the general supervision and protection of waters of the state, the appropriation, distribution and application to beneficial use as provided under the prior appropriation doctrine; and maintenance of flexibility within that framework to meet the changing needs of the citizens of Wyoming. The State Engineer's Office collects, analyzes, maintains, and provides water-related information for ensuring the appropriate management and regulation of Wyoming's water resources.

Results of outcomes

The State Engineer's Office strategic plan for this year contained a single goal and four objectives for reaching that goal. As all of the efforts of the agency revolve around the single mission of the proper administration of the state's water resources, this single goal ultimately reflects the interrelated activities of the office.

The majority of the items in the agency strategic plan involve the day-to-day administration of Wyoming's water resources, and a drought year emphasizes the dedication of the agency staff and quality of their commitment to the agency mission. The winter of 2003-04 was the fifth consecutive winter of below-average snow pack conditions. While snow fall appeared to be near average prior to March 1, 2004, very warm conditions and low precipitation thereafter dramatically reduced the snow pack in the March to May time frame without noticeable increase in runoff during that period. Summer rains in parts of the State did help mitigate drought conditions.

During a dry year, the demands on the field staff greatly increase as many stream and river systems are in regulation that otherwise might not be under more normal hydrologic conditions. The local Water Commissioners/Hydrographers have continued with extraordinarily long hours to assure that senior water rights holders receive water as supplies diminished.

The large-scale development of coal bed natural gas (CBNG) in northeastern Wyoming continued to dominate the workload of this agency. Under current Ground Water Division practice, each well is permitted as required by the agency's groundwater statutes. The workload has increased for the groundwater staff in moving these applications through the permitting process, and for support services' staff, as each of these permits needs to be microfilmed and added to the water rights database. A total of 7,949 groundwater well permit applications were received during

General information

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Other locations

Division Offices: Cokeville, Riverton, Sheridan, Torrington

Year established

1890

Statutory references

Constitution, Article 8 and WYOMING STATUTES - TITLE 41

Authorized Personnel

109 full-time employees, 22 part-time employees

Organizational structure

Administration, Ground Water, Surface Water, Board of Control
Support Services, Interstate Streams, Water Division Nos. 1-4,
Board of Registration for Professional Engineers and Professional Land Surveyors,
Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors

Clients served

Engineers and Land Surveyors; Pump Installation Contractors and Well Drilling Contractors; General Public

Budget information

General Fund.....	\$0
Water Development Fund	\$8,772,843
Federal Funds.....	\$113,873
Other Funds (Private)	\$11,750
Total	\$8,898,466

the reporting period. As additional groundwater is brought to the surface via CBNG development, the industry needs to manage this water in an environmentally sound manner. The preferred management method remains on-channel reservoirs which are permitted through the Surface Water Division. In this permitting process we seek to ensure that downstream senior irrigation water rights are protected as well as assure that the large reservoir structures are safely constructed.

The Cheyenne office and Division I field office staffs are continuing the process to implement the Final Settlement Stipulation and Modified North Platte Decree, which resulted from settlement of the Nebraska v. Wyoming litigation. On November 13, 2001 the United States Supreme Court accepted the settlement reached by the parties to the lawsuit. Implementation of the provisions of the settlement has been underway since that time. Wyoming is required to adjudicate groundwater rights in the North Platte River drainage that are not yet adjudicated, continue to conduct annual irrigated acreage mapping, collect and report water use and storage data to the parties to the settlement, and accomplish numerous other tasks associated with the settlement. New tasks this year included the measurement and replacement of water used in tributaries and drains below Whalen Diversion Dam. For the 2003 irrigation season the following acreage amounts were counted as intentionally irrigated and reported to the parties as required by the settlement:

- ◆ North Platte River above Guernsey Reservoir
188,757 acres (cap = 226,000 acres)
- ◆ Lower Laramie River
21,950 acres (cap = 39,000 acres)

The State Engineer's Office continues to work closely with the Wyoming Water Development Commission on basin-wide water planning. The Big Horn River basin and the Snake River basin plans were completed during the reporting period. The river basin plan for the North Platte River started in 2003 and is expected to be completed in 2005. To date this agency has attended all of the public meetings regarding this basin plan.

A major focus of the Support Services Division has been to begin implementation of the IT Initiative which was partially funded in the 2004 Legislative Session. Phase I of the initiative (Business Process Evaluation) is underway and due to be completed in November, 2004. Phase II (System Design) and Phase III (Implementation) are scheduled to be completed in the 2005-07 time frame. When completed, the IT Initiative is envisioned to accommodate submittal of electronic permits and allow for all documents to be stored, searched, and processed using electronic medium. This will greatly improve staff efficiency and assist in processing the added permit application workload resulting from CBNG development in the State.

Records preservation is a continuing process within the office. Many of the water right records of the office date back to Territorial days. As these records are accessed daily

by the water rights analysts and technicians, they are showing the wear. The records preservation project has prioritized these documents and an effort to scan agency records to create electronic images of the records continues. The goal is to allow records to be accessed via computer, eliminating the need to handle original documents and allow the public access to the records via the internet.

The Interstate Streams Division is responsible for representing Wyoming interests and forging cooperative relationships with adjoining states. As many downstream states continue to grow faster than Wyoming, additional pressures are placed on the water supplies allocated to Wyoming by interstate compact or court decree. In May 2003 Montana made a claim alleging Wyoming may have stored water in violation with the Yellowstone River Compact. Specifically, Montana asserted that Wyoming should be releasing Wyoming water improperly stored in the Powder and Tongue River basins and deliver that water to Montana. Wyoming State Engineer, Pat Tyrrell, denied Montana's claims and requested a complete factual development of the Montana allegations. After several interstate meetings and conferences, Montana has temporarily set aside their claim. It is Mr. Tyrrell's contention that the reduced water flows to Montana are the result of the prolonged drought, and a compact violation has not occurred. Evidence to support this position was provided to Montana.

Strategic plan changes

The current Agency plan (fiscal years 2005-08) contains one goal and four objectives, which are similar to previous years. They are stated as follows:

Goal I – Provide for the proper regulation, administration, management and protections of the waters of the State of Wyoming (Wyoming Constitution, Article I and Wyoming Statutes [W.S.] Title 41).

- ◆ Objective 1: Water being put to beneficial use in the state is permitted and is applied to beneficial use in accordance with state law. W.S. 41-4-501, 41-3-905, 41-3-301. Outcome 1.01 measurement: Number of appeals of Board of Control field personnel decisions that are overturned by the State Engineer as a percentage of drainages that are administered and/or regulated in a year. Result 1:94 = 1.06 percent (Target: less than 5 percent per year).
- ◆ Objective 2: Aggressively protect Wyoming's apportionments provided through the various interstate compacts and decrees to which Wyoming is a party. (W.S. 41-12-101 thru 41-12-702). Outcome 2.01 measurement: Number of litigation actions filed by other states claiming Wyoming violations of court decrees or compacts. Result: 0 (Target: maximum of one per year).

- ◆ Objective 3: Gather, analyze, and publish data regarding Wyoming water resources for administration, regulation and management purposes. Outcome 3.01 measurement: Publish the annual Hydrographer Report for each division. Result: 3 out of 4 completed (Target: four per year).
- ◆ Objective 4: Educate the public and agency personnel in water resources issues and make information from the SEO available to the public. Outcome 4.01 measurement: Number of water right violations confirmed by the agency. Result: 3 (Target: less than 200 per year).

In looking forward to the next fiscal year, several new and continued initiatives are considered a priority for the agency. They include:

- 1.) Accelerate the processing of CBNG permits,
- 2.) Upgrade the business practices of the agency,
- 3.) Proceed with the IT Initiative,
- 4.) Implement and comply with all aspects of the North Platte River modified decree and stipulation agreement,
- 5.) Continue the efforts to complete the Big Horn River general adjudication.
- 6.) Resolve the Yellowstone Compact issues with the State of Montana.

State Engineer organization chart

