Certification Page
Regular and Emergency Rules

Revised June 2013

☐ Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)* ☑ Regular Rules

1. General Information

a. Agency/Board Name Wyoming Water Development Commissioin		
b. Agency/Board Address 6920 Yellowtail Road	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Harry LaBonde	f. Contact Telephone Number 307-777-7626	
g. Contact Email Address harry.labonde@wyo.gov	h. Adoption Date November 8, 2013	
i. Program General Agency,Board or Commission Rules/Groundwater Exploration Grant Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Short Title:	New	Amended	Repealed
I	General Provisions	☐	☑	☐
II	Meetings	☐	☑	☐
IV	Public Meetings	☐	☐	☑
V	Public Hearings	☐	☑	☐
VI	Public Records Requests	☐	☑	☐
VI	Groundwater Exploration Grants	☑	☐	☐
I	Groundwater Exploration Grant Program - General Provisions	☐	☐	☑
II	Groundwater Exploration Grant Program - Applications	☐	☐	☑
III	Groundwater Exploration Grant Program - Commission Action and Reports	☐	☐	☑
		☐	☐	☐

d. ☑ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:	September 19, 2013
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:	September 19, 2013
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:	September 19, 2013

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☑ Yes ☐ No ☐ N/A

b. A public hearing was held on the proposed rules. ☐ Yes ☑ No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:	November 20, 2013
b. Date on which final rules were sent to the **Legislative Service Office:**	November 20, 2013
c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:	November 20, 2013

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual *(Blue ink as per Rules on Rules, Section 7)*	Jon Wade
Printed Name of Signatory	Jon Wade
Signatory Title	Deputy Director
Date of Signature	November 20, 2013

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF REASONS
FOR AMENDMENT, REPEAL AND ADOPTION OF RULES

The Wyoming Water Development Commission, pursuant to W.S. 41-2-118(a)(vii), intends to amend existing rules in Chapter I, "General Provisions," Chapter II, "Meetings," Chapter V, "Public Meetings", and Chapter VI, "Public Records Requests"; repeal existing rules in Chapter IV, "Public Meetings"; incorporate existing rules for the Groundwater Exploration Grant Program into the Agency rules by adding a new Chapter "Groundwater Exploration Grants" and repealing existing rules for the Groundwater Exploration Grant Program; in keeping with the Governor's request to simplify agency rules. The existing rules were filed with the Secretary of State on October 6, 2009.

These changes are more specifically described as follows:

Chapter I, "General Provisions," is being amended to correct the gender references to "chair" and "vice-chair", and to delete the unnecessary definition of "Water Project".

Chapter II, "Meetings," is being amended to include reference to the Public Meetings Act, and to delete Section 5 "Agenda" and Section 6 "Minutes" because they are unnecessary.

Chapter III, "Administration" shall remain unchanged.

Chapter IV, "Public Meetings," is being repealed because it is unnecessary.

Chapter V, "Public Hearings," is being amended to delete Sections 1b, 1c, 1d, and 1f because they are unnecessary and is being renumbered as Chapter IV.

Chapter VI, "Public Records Requests," is being amended to more accurately describe costs the Commission may assess for copies of its public records and is being renumbered as Chapter V.

A new Chapter VI, "Groundwater Exploration Grants", is being added to these rules to incorporate the existing rules for the Groundwater Exploration Grant Program. The existing Groundwater Exploration Grant Program rules are being repealed.

Sections and pages are renumbered throughout as appropriate.

WYOMING WATER DEVELOPMENT COMMISSION

6920 Yellowtail Road, Cheyenne, WY 82002

Phone: (307) 777-7626
Fax: (307) 777-6819
http://wwdc.state.wy.us

Matthew H. Mead
Governor

Commissioners

Nick Bettas	William Resor
Karen Budd-Falen	Margo Sabec
Floyd Canfield	Jeanette Sekan
Mitchel Cottenoir	Rodney Wagner
Sheridan Little	Todd Werbelow

Harry C. LaBonde, Jr., P.E.
Director

November 20, 2013

Summary of Comments and Responses

No comments were received on proposed Agency rulemaking.

Jon Wade, P.G.
Deputy Director

TABLE OF CONTENTS

CHAPTER I
GENERAL PROVISIONS

Section 1	Wyoming Water Development Commission	1-1
Section 2	Authority	1-1
Section 3	Officers	1-1
Section 4	Definitions	1-1

CHAPTER II
MEETINGS

Section 1	Meetings	2-1
Section 2	Place of Meetings	2-1
Section 3	Quorum and Manner of Acting	2-1
Section 4	Majority for Approval of Actions	2-1
Section 5	Rules of Order	2-1

CHAPTER III
ADMINISTRATION

Section 1	Director	3-1
Section 2	Signing of Contracts	3-1

CHAPTER IV
PUBLIC HEARINGS

Section 1	Holding of Hearings	4-1

CHAPTER V
PUBLIC RECORDS REQUESTS

Section 1	Right to Inspect and Copy Public Records	5-1
Section 2	Custody and Control of Public Records	5-1
Section 3	Fees and Charges	5-1

CHAPTER VI
GROUND WATER EXPLORATION GRANTS

Section 1	Applicability	6-1
Section 2	Application Procedures	6-1
Section 3	Application Format	6-1
Section 4	State Engineer Review	6-1

WYOMING WATER DEVELOPMENT COMMISSION
RULES AND REGULATIONS

CHAPTER I

GENERAL PROVISIONS

Section 1. Wyoming Water Development Commission. The Wyoming Water Development Commission was established by Section 41-2-117, W.S. 1977, as amended, and has the powers and duties established in other related legislation.

Section 2 Authority. These rules are promulgated as authorized by the Wyoming Administrative Procedure Act, W.S. 16-3-101 to 16-3-115 and the provisions of law creating the Wyoming Water Development Commission, specifically, W.S. 41-2-118(a)(vii) and 41-2-119(a) and (b)(iv), which mandates the adoption of rules and regulations to implement the provisions of W.S. 41-1-106 through 41-1-108, 41-2-107 through 41-2-119 or other provisions of law subsequently enacted.

Section 3. Officers. Officers of the Commission shall include a chair, vice-chair, and a secretary, who shall be elected annually from among the membership of the Commission at the first meeting and after the qualification of any newly-appointed members.

Section 4. Definitions. The following definitions shall prevail in these rules:

(a) "Commission" means the Wyoming Water Development Commission.

(b) "Chair" means the duly elected chair of the Wyoming Water Development Commission.

(c) "Secretary" means the duly elected secretary of the Wyoming Water Development Commission.

(d) "Director" means the director of the Wyoming Water Development Office.

CHAPTER II

MEETINGS

Section 1. Meetings. The Commission shall, as provided by law, hold at least one meeting each quarter, which meetings shall be called by the Chair after consultation and coordination with the Director and other members of the Commission. Special meetings may be called by the Chair, by a majority of members of the Commission, or at the direction of the Governor. All meetings shall be called and conducted in compliance with the Public Meetings Act (W.S. 16-4-401 through 16-4-408, as amended).

Section 2. Place of Meetings. Unless otherwise designated in the call of a meeting, each meeting shall be held in Cheyenne, Wyoming.

Section 3. Quorum and Manner of Acting. Six members of the Commission shall constitute a quorum for transaction of business at any meeting of the Commission.

Section 4. Majority for Approval of Actions. A majority vote of the members of the Commission present at the meeting shall be required for approval of any actions of the Commission.

Section 5. Rules of Order. Any matter of procedure or conduct not specifically provided for by state law or by rules and regulations of the Commission shall be governed by Robert's Rules of Order Revised, Latest Edition.

CHAPTER III

ADMINISTRATION

Section 1. Director. The Director serves at the pleasure of the Governor, is the chief executive officer to the Commission, administers the organization and operation of the Wyoming Water Development Office staff, and carries out the program of the Commission in its policies and at its meetings.

Section 2. Signing of Contracts. All contracts, agreements, memorandums or understanding, or other documents of the Commission shall be signed by the Chair and attested by the Secretary when authorized by the Commission, except that the Vice-Chair shall sign if the Chair is not available and an Acting Secretary may sign if the Secretary is not available. The Director may sign contracts if so authorized by the Commission.

CHAPTER IV

PUBLIC HEARINGS

Section 1. Holding of Hearings. Public hearings shall be held by the Commission, for any of the purposes provided in W.S. 41-2-114 (b)(iii) and 41-2-115. Nothing contained in these rules shall be construed as prohibiting the Commission or the Director from holding informational proceedings, meetings or conferences deemed to be necessary in the performance of their duties.

(a) Membership Present. Each public hearing required by the law should be attended by at least one member of the Commission, unless the Commission determines that a greater number should be present. One member of the Commission shall be the presiding officer at such hearing. The Director or his designate may serve as the presiding officer if there are no Commissioners present. The Director or his designate(s) shall attend each hearing.

CHAPTER V

PUBLIC RECORDS REQUESTS

Section 1. Right to Inspect and Copy Public Records. The public records of the Commission are open to inspection as provided by W.S. 16-4-201 through 16-4-205. Requests for access to the public records of the Commission must be made in writing to the Director by the person who has the right to inspect and copy the public records.

Section 2. Custody and Control of Public Records. All inspections, copies, printouts or photographs of the public records of the Commission shall be made while the records are in the possession, custody and control of the Director or his designee.

Section 3. Fees and Charges.

(a) When practical, copies shall be made by Commission staff at the Commission's office. The following fees and charges shall apply for copies made by Commission staff at the Commission's office:

Photocopy Charges	$0.50 per page for the first 10 pages and $0.25 per page for each addition page. The minimum charge for photocopies is $3.00
Employee Time.....	Employee time shall be assessed at $15.00 per hour for clerical time and $30.00 per hour for professional time

Electronic Format Costs of producing a copy, costs of constructing the record, including costs of programming and computer service shall be assessed at $40.00 per hour. If the request requires the use of other agencies' personnel, the requestor shall also pay the costs billed to the Commission from the outside agency.

(b) If it is impractical or the Commission does not have the staff or facilities available for making copies, printouts or photographs of the requested public records, the Director or his designee shall make arrangements for copies to be made by a commercial vendor. If a commercial vendor is used, the cost of providing copies as well as agency employee time shall be paid by the person desiring the copies, printouts or photographs of the records.

(c) Postage and handling, if necessary, will be assessed at the cost of the postage and mail cartons or packages.

CHAPTER VI

GROUND WATER EXPLORATION GRANTS

Section 1. Applicability. These rules and regulations and amendments thereto shall govern applications to the groundwater grant program as established by W.S. 41-2-119.

Section 2. Application Procedures. Applications for funds available through this program shall be prepared and submitted to the Director.

Section 3. Application Format.

(a) Part 1 - Statement of Problem. Applicant must demonstrate to the satisfaction of the Commission that additional sources of water are needed.

(b) Part 2 - Project Plan. Applicant must prepare and submit a specific and detailed plan of how funds will be spent if awarded. The plan shall include, but is not limited to:

(i) A detailed advance hydro-geologic feasibility study of the area where exploration is anticipated. If such a study is not available, then the costs of obtaining such a study must be included in the project budget.

(ii) A description of the intended exploration project.

(iii) A line item budget.

(iv) Required permits from State and/or Federal agencies to complete exploration.

(v) A statement of intent that the project work will be performed in a manner acceptable to the Commission, including:

(A) The engagement of a professional geologist (P.G.) licensed in the State of Wyoming for project supervision.

(B) Conforming all exploration drilling with the "Water Well Minimum Construction Standards", Part III, Rules and Regulations of the State Engineer's Office; and constructing all public water supply (PWS) facilities according to standards contained in the Water Quality Rules and Regulations of the Wyoming Department of Environmental Quality, Chapter 12.

Section 4. State Engineer Review. The Commission shall submit the application to the State Engineer for review and request that the State Engineer provide an opinion regarding associated water right issues.

TABLE OF CONTENTS

CHAPTER I
GENERAL PROVISIONS

Section 1	Wyoming Water Development Commission	1-1
Section 2	Authority	1-1
Section 3	Officers	1-1
Section 4	Definitions	1-1

CHAPTER II
MEETINGS

Section 1	Meetings	2-1
Section 2	Place of Meetings	2-1
Section 3	Quorum and Manner of Acting	2-1
Section 4	Majority for Approval of Actions	2-1
~~Section 5~~	~~Agenda~~	~~2-1~~
~~Section 6~~	~~Minutes~~	~~2-1~~
Section ~~7~~5	Rules of Order	2-1

CHAPTER III
ADMINISTRATION

Section 1	Director	3-1
Section 2	Signing of Contracts	3-1

~~CHAPTER IV~~
~~PUBLIC MEETINGS~~

~~Section 1~~	~~Holding of Public Meetings~~	~~4-1~~

CHAPTER ~~V~~IV
PUBLIC HEARINGS

Section 1	Holding of Hearings	~~5-1~~4-1

CHAPTER ~~VI~~V
PUBLIC RECORDS REQUESTS

Section 1	Right to Inspect and Copy Public Records	~~6-1~~5-1
Section 2	Custody and Control of Public Records	~~6-1~~5-1
Section 3	Fees and Charges	~~6-1~~5-1

CHAPTER VI
GROUND WATER EXPLORATION GRANTS

Section 1	Applicability	6-1
Section 2	Application Procedures	6-1
Section 3	Application Format	6-1
Section 4	State Engineer Review	6-1

WYOMING WATER DEVELOPMENT COMMISSION
RULES AND REGULATIONS

CHAPTER I

GENERAL PROVISIONS

Section 1. Wyoming Water Development Commission. The Wyoming Water Development Commission was established by Section 41-2-117, W.S. 1977, as amended, and has the powers and duties established in other related legislation.

Section 2 Authority. These rules are promulgated as authorized by the Wyoming Administrative Procedure Act, W.S. 16-3-101 to 16-3-115 and the provisions of law creating the Wyoming Water Development Commission, specifically, W.S. 41-2-118(a)(vii) and 41-2-119(a) and (b)(iv), which mandates the adoption of rules and regulations to implement the provisions of W.S. 41-1-106 through 41-1-108, 41-2-107 through 41-2-~~118~~119 or other provisions of law subsequently enacted.

Section 3. Officers. Officers of the Commission shall include a chair~~man~~, vice-chair~~man~~, and a secretary, who shall be elected annually from among the membership of the Commission at the first meeting and after the qualification of any newly-appointed members.

Section 4. Definitions. The following definitions shall prevail in these rules:

(a) "Commission" means the Wyoming Water Development Commission.

(b) "Chair" means the duly elected chair of the Wyoming Water Development Commission.

(c) "Secretary" means the duly elected secretary of the Wyoming Water Development Commission.

(d) "Director" means the director of the Wyoming Water Development Office.

~~(e) "Water Project" means any dam, reservoir, pipeline, canal, ditch, well or well field, hydro-electric power plant, regulatory work and all works and facilities necessary for the supply and utilization of water for beneficial uses, including the improvement of any feature, facility, function or portion of a project.~~

CHAPTER II

MEETINGS

Section 1. Meetings. The Commission shall, as provided by law, hold at least one meeting each quarter, which meetings shall be called by the Chair after consultation and coordination with the Director and other members of the Commission. Special meetings may be called by the Chair, by a majority of members of the Commission, or at the direction of the Governor. All meetings shall be called and conducted in compliance with the Public Meetings Act (W.S. 16-4-401 through 16-4-408, as amended).

Section 2. Place of Meetings. Unless otherwise designated in the call of a meeting, each meeting shall be held in Cheyenne, Wyoming.

Section 3. Quorum and Manner of Acting. Six members of the Commission shall constitute a quorum for transaction of business at any meeting of the Commission.

Section 4. Majority for Approval of Actions. A majority vote of the members of the Commission present at the meeting shall be required for approval of any actions of the Commission.

~~Section 5. Agenda. The agenda shall be prepared under the direction of the Chair for each meeting of the Commission. Copies of the draft agenda and other available data shall be mailed to Commission members before each meeting. Commissioners and the Director may add items for formal action to the agenda if those items are added prior to the publication of the agenda. Matters relating to contracts and amendments need not be included in the published agenda. The agenda shall include a "Miscellaneous" item for discussion of items not specifically on the agenda. However, the Chair shall not allow formal action of items discussion under the "Miscellaneous" item as the topics will not have been noticed in the published agenda.~~

~~Section 6. Minutes. Minutes of the meeting shall be prepared under the supervision and direction of the Secretary, submitted at the next meeting of the Commission for approval, and, upon Commission approval, signed by the Secretary. In the absence of the Secretary, the Chair may designate another Commission member to sign the minutes.~~

Section ~~7~~5. Rules of Order. Any matter of procedure or conduct not specifically provided for by state law or by rules and regulations of the Commission shall be governed by Robert's Rules of Order Revised, Latest Edition.

CHAPTER III

ADMINISTRATION

Section 1. Director. The Director serves at the pleasure of the Governor, is the chief executive officer to the Commission, administers the organization and operation of the Wyoming Water Development Office staff, and carries out the program of the Commission in its policies and at its meetings.

Section 2. Signing of Contracts. All contracts, agreements, memorandums or understanding, or other documents of the Commission shall be signed by the Chair and attested by the Secretary when authorized by the Commission, except that the Vice-Chair shall sign if the Chair is not available and an Acting Secretary may sign if the Secretary is not available. The Director may sign contracts if so authorized by the Commission.

CHAPTER IV

PUBLIC MEETINGS

Section 1. Holding of Public Meetings. Public meetings may be held by the Commission for the purposes of providing information to or soliciting input from the public on a specific project or program issue. Public meetings provided for in this chapter are not intended to meet the requirements of W.S. 41-2-114(b)(iii) and 41-2-115. Nothing contained in these rules shall be construed as prohibiting the Commission or the Director from holding informational proceedings, meetings or conferences deemed to be necessary in the performance of their duties.

(a) Membership Present. Each informational meeting shall be attended by sufficient Wyoming Water Development Office personnel to answer questions and record comments from those who attend. Commission member attendance is not mandatory; however, at least one Commission member for the water district in which the project is located should attempt to be present.

(b) Notice. Notice of the meeting shall be published not less than once each week for two weeks prior to the meeting.

(c) Record. The record of all public meetings shall include formal and informal notices; any written comments, statements, or exhibits received; and other pertinent data. The record shall also include recorded testimony, or a memorandum to the file summarizing the views and comments presented at the meeting.

CHAPTER ~~V~~IV

PUBLIC HEARINGS

Section 1. Holding of Hearings. Public hearings shall be held by the Commission, for any of the purposes provided in W.S. 41-2-114 (b)(iii) and 41-2-115. Nothing contained in these rules shall be construed as prohibiting the Commission or the Director from holding informational proceedings, meetings or conferences deemed to be necessary in the performance of their duties.

(a) Membership Present. Each public hearing required by the law should be attended by at least one member of the Commission, unless the Commission determines that a greater number should be present. One member of the Commission shall be the presiding officer at such hearing. The Director or his designate may serve as the presiding officer if there are no Commissioners present. The Director or his designate(s) shall attend each hearing.

~~(b) Notice of Hearing. When the Commission has established an appropriate time and place for such a hearing, the Director shall arrange for a paid notice of the hearing to be published in a newspaper or newspapers of general circulation in the area affected by the water project to be considered at the hearing. Such notice shall contain sufficient detail to inform interested parties of the time, location and subject of the hearing, and shall be published not less than once each week for three weeks prior to the hearing.~~

~~(c) Conduct of Hearings. At the hearing, any person will be allowed to present evidence, comments or opinions. The hearing shall not be considered a contested case.~~

~~(i) The presiding officer shall announce that the hearing is open and call the proposed water project or other matter to be heard.~~

~~(ii) The Director or his designate(s) will present the details of the project involved or the matter for which the hearing was called.~~

~~(iii) The presiding officer may allow, in his discretion, testimony to be offered in any order.~~

~~(iv) Time for presentations may be limited by the presiding officer.~~

~~(v) The presiding officer may recess the hearing as required.~~

~~(vi) After all interested parties have been offered the opportunity to be heard, the presiding officer shall declare the hearings closed and excuse all witnesses or interested parties. The matter may be reopened at a later date, for good cause shown, by order of the presiding officer.~~

~~(vii) The presiding officer shall declare that the matter is taken under advisement and that the decision of the Commission will be announced at a later date.~~

~~(c) Legal Counsel. In all matters before the Commission, the Commission may request the Attorney General of the State of Wyoming or a representative of his staff to be present throughout the hearing.~~

~~(d) Reporting of Testimony. All hearings, including all testimony, shall be reported verbatim by a competent reporter or by an electronic recording. The compensation of the reporter shall be paid as required by law and as ordered by the Commission. If a transcript of testimony is required by the Commission, the cost thereof shall be paid by the Commission or as otherwise provided by law. The Commission may direct any party or parties to assume the cost of the transcript if transcribed at his or their request.~~

(~~e~~)(b) Record of Hearing. The record of all hearings shall include all formal and informal notices; reported or recorded testimony and exhibits received or considered, including matters officially noticed; any other pertinent data; and the Commission's recommendation to the Governor and the Legislature.

~~(f) Action on Water Projects. Within ninety (90) days after a public hearing on a water project, the Commission shall take action on the proposed water project and submit findings and recommendations to the Legislature, together with a draft of any proposed legislation.~~

CHAPTER ~~VI~~V

PUBLIC RECORDS REQUESTS

Section 1. Right to Inspect and Copy Public Records. The public records of the Commission are open to inspection as provided by W.S. 16-4-201 through 16-4-205. Requests for access to the public records of the Commission must be made in writing to the Director by the person who has the right to inspect and copy the public records.

Section 2. Custody and Control of Public Records. All inspections, copies, printouts or photographs of the public records of the Commission shall be made while the records are in the possession, custody and control of the Director or his designee.

Section 3. Fees and Charges.

(a) When practical, copies shall be made by Commission staff at the Commission's office. The following fees and charges shall apply for copies made by Commission staff at the Commission's office:

Photocopy Charges	$0.50 per page for the first 10 pages and $0.25 per page for each addition page. The minimum charge for photocopies is $3.00
Employee Time.....	Employee time shall be assessed at $15.00 per hour for clerical time and $30.00 per hour for professional time

Electronic Format Costs of producing a copy, costs of constructing the record, including costs of programming and computer service shall be assessed at $40.00 per hour. ~~If the request requires Wyoming State Mainframe use to retrieve or compile information, the requestor shall also pay the costs billed to the Commission by the Department of Administration and Information for use of the State's Mainframe.~~ If the request requires the use of other agencies' personnel, the requestor shall also pay the costs billed to the Commission from the outside agency.

(b) If it is impractical or the Commission does not have the staff or facilities available for making copies, printouts or photographs of the requested public records, the Director or his designee shall make arrangements for copies to be made by a commercial vendor. If a commercial vendor is used, the cost of providing copies as well as agency employee time shall be paid by the person desiring the copies, printouts or photographs of the records.

(c) Postage and handling, if necessary, will be assessed at the cost of the postage and mail cartons or packages.

CHAPTER VI

GROUND WATER EXPLORATION GRANTS

Section 1. Applicability. These rules and regulations and amendments thereto shall govern applications to the groundwater grant program as established by W.S. 41-2-119.

Section 2. Application Procedures. Applications for funds available through this program shall be prepared and submitted to the Director.

Section 3. Application Format.

(a) Part 1 - Statement of Problem. Applicant must demonstrate to the satisfaction of the Commission that additional sources of water are needed.

(b) Part 2 - Project Plan. Applicant must prepare and submit a specific and detailed plan of how funds will be spent if awarded. The plan shall include, but is not limited to:

(i) A detailed advance hydro-geologic feasibility study of the area where exploration is anticipated. If such a study is not available, then the costs of obtaining such a study must be included in the project budget.

(ii) A description of the intended exploration project.

(iii) A line item budget.

(iv) Required permits from State and/or Federal agencies to complete exploration.

(v) A statement of intent that the project work will be performed in a manner acceptable to the Commission, including:

(A) The engagement of a professional geologist (P.G.) licensed in the State of Wyoming for project supervision.

(B) Conforming all exploration drilling with the "Water Well Minimum Construction Standards", Part III, Rules and Regulations of the State Engineer's Office; and constructing all public water supply (PWS) facilities according to standards contained in the Water Quality Rules and Regulations of the Wyoming Department of Environmental Quality, Chapter 12.

Section 4. State Engineer Review. The Commission shall submit the application to the State Engineer for review and request that the State Engineer provide an opinion regarding associated water right issues.

WYOMING WATER DEVELOPMENT COMMISSION

RULES AND REGULATIONS

GROUNDWATER EXPLORATION GRANT PROGRAM

CHAPTER I

General Provisions

Section 1. **Authority.** These rules and regulations providing an organized system of conducting a groundwater exploration program are authorized by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115) and the Water Development Act (W.S. 41-2-118, 41-2-114 and W.S. 41-2-119).

Section 2. **Applicability.** These rules and regulations and amendments thereto shall govern the operation of the groundwater grant program as established by W.S. 41-2-119.

Section 3. **Definitions.** The following definitions shall prevail in these rules:

(a) "Commission" means the Water Development Commission.

(b) "Director" means the Director of the Water Development Commission.

(c) "Feasibility Study" means basic geologic and hydrologic studies performed to locate drilling sites with a high potential for the economic development of beneficial amounts of water for municipal and miscellaneous use. Upon discovery of a viable source supply well, a conceptual design for completing the well and the funding structure for that effort is prepared.

(d) "Exploration" means the actual drilling of a well of sufficient size and depth to accurately assess production potential.

(e) "Cash Match" means the portion of project costs borne by the sponsor and may be from any local revenue source.

(f) "Municipal and Miscellaneous Purposes" includes but is not limited to the use of water for potable purposes; commercial purposes within the service area; fire protection and control, irrigation of parks, lawns, and gardens; and water used to supply public facilities owned and operated by the sponsor. Municipal purposes include the same use designations within the exterior boundaries of an incorporated town or city.

~~(g) "Reimbursement of Expenses" means the payment of state funds to a sponsor to replace funds expended or to discharge obligations.~~

~~(h) "Consulting Engineer/Geologist" means a private person or firm engaged in providing engineering and/or hydrogeologic services.~~

~~(i) "Legislature" means the Wyoming State Legislature.~~

~~(j) "Sponsor" means an entity that is eligible to receive funding from the Commission under this program such as a municipality, water district, water & sewer district, or service and improvement district.~~

~~CHAPTER II~~

~~Applications~~

~~Section 1. **Application Procedures.** Applications for funds available through this program shall be prepared following the instructions in Section 5 below and submitted to the Director of the Water Development Commission.~~

~~Section 2. **Eligible Applicants.** Incorporated cities, towns, water districts, water and sewer districts, and service and improvement districts may apply for funds for feasibility studies and exploration for underground water for miscellaneous and municipal purposes.~~

~~Section 3. **Available Funds.** Individual grants may not exceed four hundred thousand dollars ($400,000.00), and may be made for a lesser amount as determined by the Commission. Total grants awarded shall be limited to the amount of funds appropriated by the Legislature. No reimbursement shall be made for costs incurred prior to the date the grant request is approved.~~

~~Section 4. **Cash Match.** Each sponsor receiving a grant must provide at least 25% of the cost of the feasibility study and/or the exploration for groundwater. The municipality has the option of expending the 25% cash match prior to the release of grant funds, or of being reimbursed for 75% of each documented expenditure or obligation during the course of the grant. In either case, the cash match shall be expended for services provided after the date of the grant award.~~

~~Section 5. **Application Format.**~~

~~(a) Part 1 - Statement of Problem. Applicant shall demonstrate to the satisfaction of the Commission that additional sources of water are needed. Documentation of need shall include, but is not limited to, the following information:~~

~~(i) Describe the existing water supply system including any present wells producing or not, surface water sources, if any, water rights held, etc. Capacity of wells, of water storage and treatment facilities, any identified problems with existing supply, treatment or delivery systems must be included. Percent of current supply going to various classes of users (potable, municipal facilities, commercial, industrial) must be specified.~~

~~(ii) Describe needs for additional supplies. Include present population, the basis of any projected growth, and anticipated commercial or industrial demand on municipal water supplies. Describe any water quality problems that exist and could be alleviated with an improved source of supply.~~

~~(b) Part 2 - Project Plan. The applicant shall prepare and submit a~~

specific and detailed plan of how funds shall be spent if awarded. This section shall include:

(i) A detailed advance hydrogeologic feasibility study of the area where exploration is required. If such a study is not available, then the costs of obtaining such a study shall be included in the project budget. If a study is available and is approved by the Commission, then the applicant may request funds for exploration. Approval of a grant that includes an advance feasibility study shall freeze the balance of the request pending outcome of the study. After reviewing the feasibility study, the Commission shall make a decision as to the release of the funds for exploration.

(ii) A description of how successful exploration will alleviate the problems identified in Part 1.

(iii) A line item budget.

(iv) Required permits from State and/or Federal agencies to complete the study.

(v) A brief history of any other attempts to locate water supplies, including part grants or local expenditures.

(vi) A description of how the sponsor intends to finance production, treatment, and delivery systems if a source of supply is found.

(vii) A description of the data expected from the project. All data shall be provided to the Commission on a regular basis.

(c) Part 3 Methodology. Actual project work may be performed in a manner acceptable to the Commission. The method shall be specified in the applications, and may include but is not limited to the following:

(i) Contract for Services. A sponsor may contract with a consulting engineer directly or via a competitive bid process. Final selection of an individual or firm must be approved by the Commission before a contract is signed. A sponsor may request that the Commission prepare the Request for Proposal, select the contractor, supervise the study, and disburse funds directly to the contractor.

(ii) Municipal Employees. A municipality may use city employees to perform part of a project if the municipality provides an acceptable work plan and accounting procedures to the Commission for approval.

(d) Part 4 Miscellaneous.

(i) Exploration, testing, and reporting conducted under this program shall require the supervisory engagement of a professional geologist (P.G.) licensed in the State of Wyoming. If the final report contains information of both

an engineering and a geologic nature, the cover of the final report and all plates must be stamped and signed by both a P.G. and a professional engineer (P.E.) licensed in the State of Wyoming.

(ii) All exploration shall conform with "Water Well Minimum Construction Standards", Part III, Rules and Regulations, Office of the State Engineer. Public water supply (PWS) facilities, as defined under the federal Safe Drinking Water Act (SDWA), shall be constructed according to standards contained in the Rules and Regulations of the Wyoming Department of Environmental Quality, Chapter XI, Part G. PWS exploration and testing shall require sampling and analysis to ascertain conformance with primary and secondary standards established by the U.S. Environmental Protection Agency.

(iii) The State Engineer may request through the Commission that an applicant provide certain' types of information or technical data in the application. Specifically the applicant should supply a brief synopsis of any previous groundwater investigations conducted by State or Federal Agencies or any other entities in the area of interest. The synopsis shall include a bibliography of source materials.

(iv) A review of the proposed program will be undertaken by the State Engineer to ensure that duplication of effort, past or present, does not occur. The State Engineer may also suggest modifications to any proposed program that would facilitate the gathering of additional data necessary in the determination of associated water right issues.

CHAPTER III

Commission Action and Reports

Section 1. **Criteria for Evaluation of Application.** The Commission shall use the following criteria in evaluating each application:

(a) Severity of Problem - present supply compared to projected demand. In evaluating need, priority shall be given to demonstrated needs in this order:

(i) Human consumption

(ii) Public use

(iii) Commercial use

(iv) Industrial use

(v) Raw water applications

(vi) Geothermal applications

(vii) Hydropower generation

(viii) Fire Protection

(b) Feasibility of project plan.

(c) Potential impact of project on problem.

(d) Demonstrated financial need of applicant.

Section 2. **Funding Schedule.** The Commission shall consider grant applications at regular or special meetings. Applications submitted to the Director shall be subject to a review process of at least thirty (30) days before a final decision by the Commission.

Section 3. **Contracts.** The Commission shall execute individual exploration studies via a contract with the sponsor. Any changes, modifications, revisions, or amendments to the contract or agreement which are mutually agreed upon by the parties to the contract or agreement shall be incorporated by written instrument, executed, and signed by the Commission and the sponsor. Upon receipt of an approved project report and affidavit of completion of work, a final amendment to the contract or agreement shall be executed which shall close the grant.

Section 4. **Grant Termination.**

(a) At its discretion, the Commission may terminate a grant and withdraw any unexpended or uncommitted balance if the grantee fails to:

(i) Start the project (as evidenced by the expenditure of obligation of funds) within ninety (90) days of the date the grant is awarded.

(ii) Provide to the Commission in a timely manner all data and required reports generated by the project.

(iii) Maintain current and accurate financial records.

(iv) Perform any other contractual obligations agreed to in the grant award contract.

(v) Expend funds only for authorized purposes.

(b) All grants terminate twenty-four (24) months from the date of award. Any unexpended or uncommitted funds revert to the Commission at that time.

Section 5. **Project Reports.**

(a) Draft Final Report. The Sponsor shall submit to the Commission ten (10) copies of a draft final report describing the results of all phases of this study, and one project notebook.

(b) Final Report. After receipt and incorporation of Commission and sponsor review comments, thirty-five (35) copies and one (1) unbound reproducible original of the final report shall be presented to the Commission by the sponsor. An executive summary of the project shall preface the main body of the report. The executive summary shall include detailed final costs and cost estimates for completion of the facility and incorporation into the sponsor's system. In addition, one copy of the final report and all figures tables, maps, etc. shall be submitted in digital form (CD-ROM disk(s)).