

GUIDANCE: OBTAINING TEMPORARY WATER SUPPLIES

OBTAINING TEMPORARY WATER SUPPLIES IN A GROUNDWATER CONTROL AREA

Groundwater Management within the Laramie County Control Area

Based on the number of phone calls received in the last several weeks, the State Engineer's Office (SEO) anticipates there will be a large demand for water supplies for oil and gas-related activities and/or other temporary activities in Laramie County – many of which will occur within the Control Area. This guidance has been developed so all interested parties clearly understand what the options are relative to obtaining water for temporary uses in a Control Area.

Temporary Utilization of an Existing Water Right

Wells permitted for more than 25 gallons per minute (gpm)

The SEO has addressed the use of existing, active water rights for temporary uses in a Ground Water Control Area through the attached February 12, 2010 Policy Memorandum entitled "Issuance of Temporary Use Agreements (TUAs) in Ground Water Control Areas."

Wells permitted for 25 gpm or less

The Surface Water Division can also issue a Temporary Use Agreement (TUA) to temporarily change the use of a Domestic or Stock Use water right, with certain restrictions. The State Engineer will set a limit on the volumetric quantity of water that can be used under the agreement at one acre-foot per year in the absence of any other information regarding the consumptive use of the Domestic or Stock Use water right. The applicant may submit, and the SEO will consider, data demonstrating a higher consumptive use than one acre-foot under the Domestic or Stock Use water right. Installation of water meters, and periodic (normally weekly) reporting of quantities used, will be required by the TUA issued hereunder.

Utilization of a New Water Right

Miscellaneous Use Application for Enlargement of an Existing Well

All enlargement applications for Miscellaneous Use will be subject to public notice and review by the Control Area Advisory Board. Upon consideration of the Board's recommendation, the State Engineer may either approve the permit or deny the application.

Applications to Complete and Use New Wells

Applications for groundwater permits within a Ground Water Control Area for any use other than Domestic, Stock, Monitor, or Test Uses will be subject to public notice and review by the Ground Water

Control Area Advisory Board. Upon consideration of the Board's recommendation, the State Engineer may either approve the permit or deny the application.

Temporary Use Agreements (TUAs) on new permits cannot be immediately implemented since the appropriator cannot demonstrate a history of use.

Producing water from other, relatively unused geologic formations, even in areas experiencing the greatest current water supply problems in a Ground Water Control Area, may improve an applicant's chance of the Advisory Board recommending that the State Engineer approve an application.

Public Notice and Review by the Ground Water Control Area Advisory Board Process

Applicants proposing new activities which require public notice and review by the Ground Water Control Area Advisory Board should be aware that the process is time consuming. Upon submission of an application that requires public notice and review by the Ground Water Control Area Advisory Board, the SEO prepares a legal advertisement and forwards the advertisement to the appropriate newspaper. The application is then advertised for a period of three consecutive weeks and a period of ten days is then allowed for the submission of protests to the granting of the application. If a valid protest is received, the State Engineer is then required to conduct a public hearing on the application, at which the applicant and protestant are invited to present evidence either in support of, or in opposition to the granting of the application. Upon completion of the hearing, or upon completion of the protest period if no protests are received, the application is considered by the Ground Water Control Area Advisory Board. Ground Water Control Area Advisory Boards have no regularly scheduled meetings but meet on an as-needed basis – typically twice per year or less. With the above information in mind, it should become apparent that even under ideal circumstances, it will likely take in excess of six months to complete the public notice and review by the Ground Water Control Area Advisory Board process for applications of this type.

OBTAINING TEMPORARY WATER SUPPLIES OUTSIDE A GROUNDWATER CONTROL AREA

Utilization of a New Water Right

The Ground Water Division has received inquiries relative to drilling and completing a Miscellaneous Use well in Laramie County (i.e., south of Cheyenne and off the Greeley Highway), but outside the Control Area, for purposes of hauling water for temporary use (oil and gas-related activities).

The Ground Water Division will review the application on its own merit, as well as applications for Miscellaneous Use for enlargement of an existing well, and if not injurious to existing appropriators, would most likely approve these types of applications. If potentially injurious, the State Engineer may deny the application.

Temporary Utilization of an Existing Water Right

The Surface Water Division can issue a Temporary Use Agreement (TUA) to temporarily change the use of a ground water right, with certain restrictions. The State Engineer will set a limit on the volumetric quantity of water that can be used under the agreement as the historic consumptive use of the ground water right. Installation of water meters, and periodic (normally weekly) reporting of quantities used, can be required by the TUA issued hereunder.