



State Engineer's Office

HERSCHLER BUILDING, 2 WEST
CHEYENNE, WYOMING 82002
(307) 777-6150

MARK GORDON
GOVERNOR

GREG LANNING
STATE ENGINEER

SENT AS EMAIL ATTACHMENT ONLY

November 23, 2020

Korry Lewis
CureLaw, P.C.
5255 Ronald Reagan Blvd., Suite 205
Johnstown, CO 80534

RE: UW Wells (Temporary Filings U.W. 45-2-184 and U.W. 45-4-184)

Dear Ms. Lewis,

We've communicated on more than one occasion over the past year on the above referenced applications and more recently I've received your written correspondence of September 9, 2020 and October 15, 2020. As one with significant professional experience working in municipalities, I have a good understanding and appreciation of the City's concerns. However, after careful consideration, I would like to let you know I have granted these permit applications.

Although I understand permitting these wells is not your desired outcome, please find the following in response in particular to your October 15, 2020 letter. You cite W.S. 41-4-503 for reason to refuse to issue the permits, however, the relevant statutes with regard to these permit applications in this area are;

W.S. 41-3-931, in part,

"An application for a permit for a well in any areas not designated as a critical area shall be granted as a matter of course, if the proposed use is beneficial and, if the state engineer finds that the proposed means of diversion and construction are adequate."

and W.S. 41-3-933, in part,

"...the right of the appropriator does not include the right to have the water level or artesian pressure at the appropriator's point of diversion maintained at any level or pressure higher than that required for maximum beneficial use of water in the source of supply."

Board of Control
307-777-6178

Ground Water
307-777-6163

Interstate Streams
307-777-1942

Surface Water
307-777-6475

The City has concerns with potential interference with existing wells in the area (including the Turner 1 & 2 wells and the 41T3 well), yet their August 13, 2019 letter acknowledges and contemplates the Turner wells being constrained by construction and potentially affected by fluctuations in water levels. Furthermore, it is my understanding that the 41T3 well has not been completed and placed to beneficial use. These statutes contemplate more than one well in any given aquifer, which in turn would induce the potential for drawdown and/or water-level changes associated with other wells. Otherwise, there would be no ability to issue, as a matter of course, more than one permit in the aquifer.

In your letter, and through the course of the meeting facilitated by the Governor, the City expressed concern that issuing these permits will prevent changing the use of the wells prior to adjudication. While statute does preclude a change of use petition to the State Engineer, it does not preclude other possible permit changes or a Board of Control petition. Further, it does not preclude the ability to apply for an enlargement of the existing wells.

You have requested an annual production cap of 270 acre-feet however, it is important to remember that 540 acre-feet of annual production is what records show is covered as existing water related activities under the Platte River Recovery Implementation Program (PRRIP). The 540 acre-foot annual cap is for PRRIP accounting and compliance and considers all groundwater in this area as the same source.

You will note that these permits only authorize large-scale landscape watering on University-owned lands and that pumping tests are a standard condition, and although monitoring wells can be beneficial in determining aquifer characteristics and response, having two wells under this permit, the City monitoring-well permit under U.W.205989, and other wells in the area for the collection of data, I do not find additional monitoring locations necessary at this time. I would encourage the City to monitor water levels in their wells as part of a long-term evaluation of the aquifer.

It has been a pleasure working with you through this application process. I welcome any other comments or questions you may have.

Sincerely,



Greg Lanning
State Engineer

cc: Lisa Lindemann, Administrator, Ground Water Division
Christopher Brown, Senior Assistant Attorney General
Brian Pugsley, Superintendent, Water Division I
Jeff Cowley, PRRIP Coordinator