

Lake DeSmet Advisory Board Meeting
April 21, 2021
3:00 PM

Board Members Present: Mike Whitaker, Jim Fennema, Bob Rolston, Paul Mavrakis, Joe Kalus, Dave Belus; Nathan Lindsay

Operating Department Personnel Present: Commissioner Linda Greenough, Cheryl Benner, Scott Packard

Public in attendance: County Attorney Tucker Ruby, Scott Pehringer, Clint Culliton, Dave Schroeder, Dick Hall

The meeting was called to order at 3:00PM by Chairman Whitaker. Nathan Lindsay was introduced as the new board member filling the environmental seat. Chairman Whitaker asked for a motion to approve the minutes of the December 16, 2020 meeting. Mr. Belus moved and Mr. Kalus seconded that the minutes be approved as written. Motion carried.

Board terms were reviewed. Dave Belus moved and Joe Kalus seconded keeping the current slate of Mr. Whitaker, Chairman; Jim Fennema, Vice-Chair; Bob Rolston, Secretary. Motion carried.

Ms. Benner reported the following:

- The elevation of the lake December 1, 2020 was 4608.36.
- Butterfly valves are not holding after visit with Harvey and Clint decided to replace indicator switches with better quality to help prevent problem. Also determined leak in gate will need repair in the not too distant future. Clint is investigating firms that can complete the work.
- Flume at outlet house has pitting in floor that is affecting water flow and allowing excess algae growth. Contractor has been retained to complete the work. Cofferdam was constructed. Once epoxy material has been applied to flume, ditch directly in front of flume will be cleaned and rock placed.
- Majority of work completed at diversion dam per April 2020 inspection with safety of dams.
- Change releases to Mondays and Thursdays because of staffing issues.
- 5-year petition was amended and will be heard at the next BOC meeting the week of May 10th.

Chairman Whitaker opened the discussion on shoreline regulation revisions that were completed by the County Attorney's office. No variance language was included in the regulations but can be added if the LDAB or the Johnson County Commissioners decide to add. If added after the revisions are accepted, will need another comment period. Mr. Mavrakis asked if there was anything in the regulations about not being able to reserve a section of shoreline. Mr. Ruby stated that could be added. Mr. Belus moved to adopt the changes as present. Mr. Rolston seconded the motion. After discussion, it was decided to wait and approve all changes at once. Mr. Belus withdrew his motion and Mr. Rolston withdrew the second. Mr. Mavrakis asked if the clause in the Game and Fish Lease regarding unfettered access had enough teeth in it to help trespasses below the 4620. County Ruby stated that the current lawsuit may help determine that. County Attorney Ruby also stated the revisions should be done in time for a May 19th meeting.

County Attorney Ruby updated the board on the Moreland lawsuit. The county filed a complaint, Mr. Moreland filed a counter complaint. Negotiations are a possibility. Now at the state of initial disclosures, which look similar from both parties. The County Attorney's office takes their lead from the Commissioners. The next step is in-depth discoveries, and perhaps depositions. Moreland may ask for depositions also. It may come to the point where it goes to court, but will be a long, drawn out process. Chairman Whitaker asked if a cease and desist had been issued. County Attorney Ruby said they've asked but there is no court order and won't happen until it goes to court. Mr. Belus asked if there was case law that was applicable. County Attorney advised the board that this is a unique case but thinks that the same law that applies to violating fences line should apply.

Mr. Schroeder advised that board that the snowtel at Cloud Peak Reservoir had on of the highest snowpacks in the state. He also told the board that he has reviewed the draft of the Lake DeSmet/Healy Reservoir Utilization study commissioned by the Wyoming Water Development Office, and the study assumed that Johnson County would be a willing partner in future plans. Negotiations between the Cheyenne tribe and the State of Wyoming for a long-term contract to supply readily available water to fulfill the Yellowstone Compact made a \$50 pumping station at Lake DeSmet "look reasonable". Mr. Schroeder also stated that it was most likely that immediate work would focus on the Healy Reservoir. Mr. Mavrakis asked if it would be appropriate to ask for a presentation. Chairman Whitaker suggested waiting until it is closer to completion and then make the request.

Mr. Fennema told Commissioner Greenough he and some of the Lower Clear Creek Irrigation District shareholders had a concern about changing to releases 2 days per week. He felt that the end of June through July 15 would be the biggest issue and asked if for those 2-3 weeks if there could be a 3-day per week schedule. Mr. Lindsay agreed it could be an issue. Mr. Belus asked which days they would prefer. Mr. Fennema stated Monday, Wednesday and Friday. Commissioner Greenough said that the operating department would discuss the matter.

Discussion about the next meeting was held. Mr. Belus moved and Mr. Rolston seconded that the next meeting be May 19. Motion carried.

As there was no further business to come before the board, the meeting was adjourned at 4:10 PM with a motion from Mr. Belus and a second from Mr. Kalus. Motion carried.



Michael Whitaker, Chairman