

**United States House of Representatives  
Committee on Natural Resources  
Subcommittee on Water and Power**

**Hearing:**

“New Federal Schemes to Soak Up Water Authority: Impacts on States, Water Users, Recreation, and Jobs.”

**Testimony of**

**Patrick Tyrrell, P.E.  
Wyoming State Engineer**

**June 24, 2014**

**Introduction**

Chairman McClintock, Ranking Member Napolitano, and Members of the Subcommittee, my name is Patrick Tyrrell. I am the Wyoming State Engineer. The Wyoming State Engineer’s Office is responsible for the administration, regulation, and adjudication of water rights to surface and groundwater, both of which lay under the ownership and control of the State of Wyoming.

I appreciate the opportunity to first testify today regarding the *Proposed Directive on Groundwater Resources Management, Forest Service Manual 2560*, (hereafter the “Proposed Directive”) noticed in the Federal Register on May 6, 2014. Secondly, I will comment on Wyoming’s perspective regarding the Clean Water Act (CWA) jurisdiction rule the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (the Corps) proposed on March 25, and published in the Federal Register on April 21.

**Forest Service Proposed Directive**

**Background**

The United States Forest Service (USFS) asserts that its Proposed Directive is intended to add federal management responsibilities for groundwater on USFS lands ([79 FR 25815, May 6, 2014](#)). It changes the Forest Service's national policy on water management and challenges Wyoming’s authority over groundwater within our borders, including Wyoming’s primacy in appropriation, allocation and development of groundwater. The USFS states that this Proposed Directive does not harm State rights. This is not accurate. The assumptions, definitions, and new permitting considerations contemplated under the Proposed Directive materially interfere with Wyoming’s authority over surface and groundwater, and will negatively impact the State’s water users.

## Concerns

The Proposed Directive challenges state prerogatives.

1. Authority for the Proposed Directive on groundwater management does not exist. The USFS fails to cite any federal statute or court ruling which provides for or describes its authority to manage groundwater because there is no such authority under federal law. In section 2567, the Proposed Directive appears to assert reserved rights to groundwater. However, there is no authority giving National Forests the benefit of a federal reserved right to groundwater.
2. The Proposed Directive seeks to give a role in paragraph 6f for the USFS to insert itself in groundwater permitting away from USFS property. This is an extra-territorial reach beyond USFS authority, and conflicts with Wyoming water law which establishes the Wyoming State Engineer as the exclusive permitting agency. It also places a burden on water users who might have their water source proposal thwarted by USFS action. Under Wyoming law, the burden would lie with the USFS to prove a hydraulic connection sufficient to warrant conjunctive administration, not on individual appropriators as presumed by the Proposed Directive. In many cases, groundwater is not meaningfully connected to surface water, and Wyoming's presumption of non-connection is superior. This is not to concede that there is even a legal basis for a debate on this subject, since Wyoming water law controls the permitting, adjudication, and regulation of water rights on USFS lands within the State. It is entirely inappropriate for the USFS to attempt to extend its administrative reach onto lands they do not manage.
3. Conflict with recent MOU. In January 2012, the USFS and the State of Wyoming entered into a Memorandum of Understanding (MOU) that runs through 2016. In this MOU, the USFS agreed to recognize and respect the laws and Constitution of the State of Wyoming and to honor permitting practices that apply equally to the United States and to water right applications by Wyoming citizens. The Proposed Directive, creating a federal reach into an area where states have been recognized as the exclusive entity for water right permitting, is contrary to the recent MOU. I have attached a copy of the MOU for the Subcommittee's reference.
4. The Proposed Directive puts a burden on Wyoming water users. From the proposed required measurement and reporting of produced groundwater (paragraph 8), to the possible hydrogeologic studies needed to show that an aquifer is not connected to surface waters (paragraph 2), Wyoming appropriators will be faced with a new slate of obligations and costs for water use on these public lands.
5. The Proposed Directive was created without state consultation. By noticing the State of Wyoming along with the general public in the May 6 release, the USFS denied the State an important consultative role. As the primary water manager in an appropriative state like Wyoming, the State Engineer's Office is more than a simple stakeholder – we follow a system of water laws under which the federal agencies are water users like anyone else.

Treating the State as a simple commenter on federal directives ignores the State's primary authority as recognized by Congress dating from the 1800's including the McCarren Amendment (relied upon by the states since 1952), and the United States Supreme Court. Importantly, the notice indicates that USFS has consulted with Indian Tribal Governments in preparation of this document under EO 13175, but for some reason has decided not to enter consultation with the states under EO 13132. This action wrongfully diminishes Wyoming's role.

Time prohibits me from additional comment at this hearing, but I anticipate that Wyoming will prepare additional and thorough comments by the comment deadline established by the USFS. The best action the USFS could take would be to retract the current notice and comment period and thereby honor the law that give the states authority over the adjudication, administration and regulation of water rights within their boundaries.

## **Waters of the U.S. (WOTUS) Jurisdictional Rule**

### **Background**

The Clean Water Act limits the federal jurisdiction over state waters recognizing that the states are better situated to make decisions regarding water, including water quality in minor waters that are not of national significance. The Wyoming Department of Environmental Quality, Water Quality Division is the agency responsible for establishing water quality standards and TMDLs, administering the NPDES discharge permitting program and providing section 401 water quality certifications for federally permitted projects on waters in Wyoming. The proposed rule attempts to erode Wyoming's primary authority over low flow, remote, headwater stream channels and isolated ponds and wetlands by expanding the concept of national significance.

### **Concerns**

1. The proposed WOTUS rule expands federal jurisdiction beyond federal authority. By broadening definitions of existing regulatory categories, such as "tributaries," and regulating new areas that are not jurisdictional under current regulations, the proposed rule provides no limit to federal jurisdiction. Water in a riparian area or a floodplain, a connection through shallow subsurface water or directly or indirectly through other waters, and aggregation of similarly situated waters, are waters that may not be within federal jurisdiction but are waters that the proposed rule attempts to capture.
  - a. The proposed rule's extension of jurisdiction to remote and insubstantial waters runs afoul of both the plurality and Justice Kennedy's standards in *Rapanos*. The plurality in *Rapanos* declined to find jurisdiction beyond "relatively permanent, standing or continuously flowing bodies of water," specifically excluding "channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall." *Rapanos v. United States*, 547 U.S. 715, 739-42 (2006). Likewise Justice Kennedy refused to find jurisdiction over "remote and insubstantial" waters that "may flow into traditional navigable waters." *Id.* at 778.

- b. Asserted Jurisdiction over groundwater. The proposed rule does not ensure that Wyoming's groundwater is off limits. While EPA and the Corps have added a specific statement in the proposed rule that excludes groundwater, they continue to assert that shallow subsurface flows could be used to establish jurisdictional nexus. In Wyoming, surface and groundwater quantity are regulated separately unless they are determined to be a single source of supply. That determination is exclusively within the purview of the Wyoming State Engineer. As a practical matter, CWA regulations cannot be applied to distinct surface waters connected only through subsurface waters without expanding jurisdiction over all groundwater in contravention of the Wyoming Constitution and without any authority to do so.
- c. Clean Water Act success depends upon state and local implementation. Expansion of EPA and Corps jurisdiction over any waters not previously considered as WOTUS is not justified by science, fact or law. The states are in the best position to protect and manage these waters.

2. Problem elements of the proposed rule.

- a. Jurisdiction over ditches. The proposed rule defines all ditches with a bed, bank and high water line as tributaries potentially subject to federal jurisdiction. This encompasses roadside, irrigation, and storm water ditches. There remains an exemption for ditches that do not contribute flow, either directly or indirectly, to water identified as navigable, interstate waters, territorial seas, and impoundments. However, the "waters are muddied" which places citizens, governments, and other entities in a position that they can no longer rely on the workable bright line rule categorically excluding ditches. This will disrupt agricultural, governmental and emergency operations.
- b. The rule does not clarify which waters fall under CWA jurisdiction (unless we are to assume that nearly all waters fall under such jurisdiction) and in fact, creates confusion and potential conflict with the Supreme Court's interpretation. Given the expedited review timeline and the glaring lack of state involvement, Wyoming is concerned that EPA and the Corps are attempting to implement a policy decision that all connections between waters are "significant" without regard to how much or how often they actually contain water or influence truly navigable waters.

The proposed rule establishes newly created, far-reaching consequences and key concepts are undefined and subject to agency discretion. The rule fosters subjectivity – a result diametrically opposed to principles of regulation, leaving us to question the authoring agencies' intent. The proposal expands the CWA's regulatory coverage of tributaries and includes broad new categories of waters, such as ditches, adjacent waters, riparian areas and floodplains, making the changes sweeping in nature and negative in consequence.

- c. Vague exemptions. The proposed rule contains confusing list of exemptions, including the narrow ditch exemption. These exemptions apply to a limited set of features applicable wholly on uplands (another critical term left undefined in the proposed rule). It is noteworthy that in the rule's preamble, EPA and the Corps acknowledge the difficulty of distinguishing excluded "gullies and rills" from potentially regulated "ephemeral streams."
  3. Flaws with the Science Advisory Board Report
    - a. The Science Advisory Board Report is void of information from actual Corp Section 404 and 401 determinations or state environmental quality offices. If the draft Report had included this information, it is difficult to conceive that a neutral reviewer would have supported the proposed CWA rulemaking and the conclusions outlined in the Connectivity Report.
    - b. The Science Advisory Board lacked any state representative, even though states like Wyoming specifically requested to have a member of its regulating agency appointed. Conversely, environmental interests were represented on the Board. The states' role would be better protected by state representation on the Board, and more effective CWA policies and regulations would result.
    - c. The Connectivity Report fails to adequately address ephemeral drainages and their impact to downstream waters of the U.S. Ephemeral water bodies may be streams, wetlands, springs, streams, ponds or lakes that only exist for a short period of time following precipitation or snowmelt. Under this rule, ephemeral streams might now be considered tributaries to navigable streams if they exhibit a bed, banks and a high water mark. Jurisdictional determination of these waters would require application of principals announced in *Rapanos*, which cannot be met through sweeping statements which attempt to alter the definition and are unrelated to actual characteristics of the water body.
    - d. The EPA and the Corps expedited submittal of the draft Connectivity Report to the EPA Science Advisory Board and, at the same time, they submitted the proposed rule to OMB. This action cuts off scientific deliberation vital to the fundamental questions underlying this proposed rule.
  4. The proposed WOTUS rule was also created without state consultation. Like other states, the State of Wyoming plays a significant role in ensuring effective implementation of the Clean Water Act. Our co-regulator status elevates the State of Wyoming, and every other state, above the multitude of other stakeholders now engaged in the public review process. It is imperative that with a rulemaking process of this magnitude, which directly impacts the states' implementation of CWA programs, that significant input and review be provided to co-regulator entities on the substance of the proposed rule. However, Wyoming and other states were not included in the WOTUS rulemaking process.

As state co-regulators, we bring a unique perspective on the western environmental issues that we handle day to day. Failing to consult with Wyoming and other states not only

violates Executive and Congressional mandates, but also erodes the very trust and cooperation upon which we co-regulators depend. The process employed here adds insult to the injury inflicted by an illegal and unwise rule.

The Wyoming State Engineer administers water quantity. Questions related specifically to water quality may be best answered by the Wyoming Department of Environmental Quality. If questions arise that I cannot answer, I will provide written answers to the subcommittee after consulting with the appropriate expert.

Thank you for the opportunity to testify here today.



FS Agreement No. 12-MU-11020000-007  
Cooperator Agreement No. \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**  
**Between The**  
**STATE OF WYOMING STATE ENGINEER'S OFFICE**  
**And The**  
**USDA FOREST SERVICE**  
**ROCKY MOUNTAIN REGION 2 AND INTERMOUNTAIN REGION 4**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Wyoming State Engineer's Office hereinafter referred to as "SEO," and the USDA Forest Service, Rocky Mountain Region 2 and Intermountain Region 4 hereinafter referred to as the "U.S. Forest Service."

Title: Wyoming State Engineer's Office MOU

**I. PURPOSE:**

The purpose of this MOU is to document and strengthen the existing cooperative working relationship between the SEO and the U.S. Forest Service with respect to permits under state law for water rights and uses on or derived from U.S. National Forest System (NFS) land in Wyoming.

**II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

Approval of this MOU will strengthen the partnership and recognize the cooperative working relationship and benefits between the State of Wyoming and the U.S. Forest Service as it relates to water rights and uses on NFS land in Wyoming.  
In consideration of the above premises, the parties agree as follows:

**III. THE SEO SHALL:**

- A. Recognize and respect the authority of the U.S. Forest Service, under the constitution and laws of the United States, to manage NFS land throughout the State of Wyoming in accordance with applicable federal and state laws, regulations, and policies.
- B. Use reasonable efforts to inform applicants proposing to divert, convey, use, or store water on NFS land of the potential need to obtain a land use authorization from the U.S. Forest Service concurrent with securing a water right from the SEO.



- C. Use reasonable efforts to notify the appropriate Regional Office contact and allow 30 days for comments on water rights applications and petitions for new uses and changes to existing uses by others that propose to abandon, divert, convey, use, or store water on NFS land. Said efforts shall include use of email notification.
- D. When proper under state law, approve applications and issue permits according to state law, for water rights and facilities proposed to be located on NFS land as follows:
- When the U.S. Forest Service is the sole applicant for a water right to use water on NFS land, a permit will be issued solely to the Forest Service.
  - When an application for new development proposes to divert water on NFS land and the use is proposed on NFS land, the SEO will notify the U.S. Forest Service as described in III (C). Permits issued under this scenario will generally be issued in the name of the applicant.
  - When an application proposes to use water on a combination of NFS land and non-NFS land, the SEO will notify the U.S. Forest Service as described in III (C). Permits issued under this scenario will be determined on a case by case basis and may list the U.S. Forest Service as a co-applicant.
  - When an application for a time limited use is made, such as temporary water use agreements for road construction or pipelines, a permit will be issued solely to the applicant and a courtesy notice will be provided to the U.S. Forest Service of the water right issued to ensure that appropriate Federal land use authorizations are in place.
  - The SEO agrees to use reasonable efforts to conform to the requirement of this Section III. Failure to conform to this section does not invalidate any permit, adjudication, or other action taken by the SEO or Wyoming Board of Control.
- E. Provide a primary contact in the SEO to address water rights policy and procedural issues that are relevant to both the U.S. Forest Service and the SEO.

#### **IV. THE U.S. FOREST SERVICE SHALL:**

- Recognize and respect the authority of the SEO under the constitution and laws of the State of Wyoming.
- Manage land, water, and other natural resources located on NFS land within the State of Wyoming in accordance with applicable federal and state laws, regulations, and policies.
- Apply for permits and acquire water rights under state law as sole applicant for water used directly by the U.S. Forest Service for administrative purposes on NFS land.





- D. Apply for and acquire water rights under state law, as sole applicant, for water used by permittees, contractors, and other authorized users of the NFS to carry out activities related to multiple use objectives when both water use(s) and point(s) of diversion are located on NFS land. An exception to this policy could apply to certain permitted ski areas.
  - E. Inform and require applicants seeking to acquire water rights where points of diversion and use are on NFS land of the requirement to obtain water rights under state law, in the name of the United States. An exception to this policy could apply to certain ski areas.
  - F. Protest water rights applications made by users if the water right(s), in the opinion of the U.S. Forest Service, should be held in the name of the United States. All protests shall be made under state law.
  - G. Inform applicants seeking to divert, convey and/or store water on NFS land of the need to obtain valid water rights from the SEO while concurrently pursuing authorization to occupy NFS land.
  - H. Seek the consent of affected grazing permit holders when the U.S. Forest Service petitions the SEO or Wyoming Board of Control to change or abandon an unadjudicated or adjudicated water right on a grazing allotment. An affected grazing permit holder is an individual or entity holding a grazing permit for an allotment in which a point of use for the subject water right is located.
  - I. Provide the SEO three copies of National Forest Visitor Information Maps for each National Forest in Wyoming and the most recent land status maps as available to assist SEO staff in ascertaining legal descriptions of water rights applications that may involve the use of NFS land.
  - J. Provide a primary contact in the appropriate Regional Office to collaboratively address water rights policy and procedural issues that are relevant to both the Forest Service and SEO.
  - K. Provide a Forest Hydrologist contact list for each National Forest and Grassland within Wyoming to address any questions related to an individual water right on a specific Forest or Grassland.
- V. **IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:**
- A. PRINCIPAL CONTACTS: Individuals listed below are authorized to act in their respective areas for matters related to this instrument.



**Principal Cooperator Contacts:**

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Name: John Barnes -SEO Surface Water Division -Surface Water Administrator Address: 122 West 25 <sup>th</sup> Herschler Building , 4 <sup>th</sup> East City, State, Zip: Cheyenne, WY 82002 Telephone: (307) 777-6475 FAX: (307) 777-5451 Email: <a href="mailto:john.barnes@wyo.gov">john.barnes@wyo.gov</a>	Name: Harry LaBonde, SEO Deputy State Engineer Address: 122 West 25 <sup>th</sup> Herschler Building, 4 <sup>th</sup> East City, State, Zip: Cheyenne, WY 82002 Telephone: (307) 777-6150 FAX: (307) 777-5898 Email: <a href="mailto:harry.labonde@wyo.gov">harry.labonde@wyo.gov</a>

**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Regional Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Name: Scott Ludwig Region 2 – Rocky Mountain Region Address: 740 Simms Street City, State, Zip: Golden, CO 80401 Telephone: (303) 275-5099 FAX: (303) 275-5122 Email: <a href="mailto:saludwig@fs.fed.us">saludwig@fs.fed.us</a>	Name: Monica H. Cordova Region 2 – Rocky Mountain Region Address: 740 Simms St. City, State, Zip: Golden, CO 80401 Telephone: (303) 275-5068 FAX: (303) 275-5369 Email: <a href="mailto:mcordova@fs.fed.us">mcordova@fs.fed.us</a>

<b>U.S. Forest Service Regional Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Name: Jamie Gough Region 4 – Intermountain Region Address: 324 25 <sup>th</sup> St. City, State, Zip: Ogden, UT 84401 Telephone: (801) 625-5809 FAX: (801) 625- 5378 Email: <a href="mailto:jgough@fs.fed.us">jgough@fs.fed.us</a>	Name: Doris Mackey Region 4 – Intermountain Region Address: 342 25 <sup>th</sup> St. City, State, Zip: Ogden, UT 84401 Telephone: (801) 625-5812 FAX: (801) 625-5365 Email: <a href="mailto:dmackey@fs.fed.us">dmackey@fs.fed.us</a>

- B. **NON-LIABILITY.** The U.S. Forest Service does not assume liability for any third party claims for damages arising out of this instrument.
  
- C. **NOTICES.** Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or SEO is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:



To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To the SEO, at the SEO Administrative Contact's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or SEO from participating in similar activities with other public or private agencies, organizations, and individuals.
- E. ENDORSEMENT. Any of SEO's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of products or activities.
- F. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity for either of the parties or for any third party. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate instruments and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation instrument that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective instrument, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective instruments must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- G. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this instrument, or benefits that may arise there from, either directly or indirectly.
- H. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept




confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).

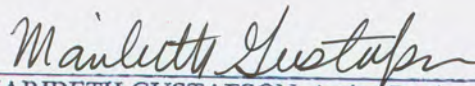
- I. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- J. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. SEO is encouraged to give public notice of the receipt of this instrument and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:
- "The U.S. Forest Service, Department of Agriculture, acquires water rights to support permitted and programmatic uses of National Forest System land in accordance with applicable U.S. Forest Service policies."
- SEO may call on the U.S. Forest Service's Office of Communication for advice regarding public notices. SEO is requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to The U.S. Forest Service's Office of Communications as far in advance of release as possible.
- K. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- L. DEBARMENT AND SUSPENSION. SEO shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should SEO or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- M. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.



- N. SOVEREIGN IMMUNITY. The State of Wyoming and the SEO do not waive sovereign immunity by entering into this agreement and specifically retains immunity and all defenses available to it as a sovereign pursuant to WYO. STAT. ANN. § 1-39-104(a) and all other state law. Designations of venue, choice of law, enforcement actions, and similar provisions should not be construed as a waiver of sovereign immunity. The parties agree that any ambiguity in this agreement shall not be strictly construed, either against or for either party, except that any ambiguity as to sovereign immunity shall be construed in favor of sovereign immunity.
- O. PRIOR APPROVAL. This MOU shall be reduced to writing and approved as to form by the Office of the Wyoming Attorney General.
- P. ENTIRETY OF AGREEMENT. This MOU, consisting of eight (8) pages, represents the entire and integrated MOU between the parties and supersedes all prior negotiating, representations, and agreements, whether written or oral.
- Q. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through December 31, 2016 at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.
- R. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU. In witness whereof, the parties hereto have executed this MOU as of the last date written below.

  
PATRICK TYRRELL, Wyoming State Engineer, Officer

1/13/12  
Date

  
MARIBETH GUSTAFSON, Acting Regional Forester  
U.S. Forest Service, Rocky Mountain Region

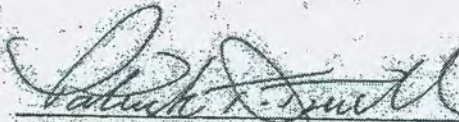
1/23/12  
Date

HARV FORSGREN, Regional Forester  
U.S. Forest Service, Intermountain Region


Date



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 PATRICK TYRRELL, Wyoming State Engineer, Officer 1/13/12  
Date

\_\_\_\_\_  
 MARIBETH GUSTAFSON, Acting Regional Forester Date  
 U.S. Forest Service, Rocky Mountain Region

  
 HAKY FORSGREN, Regional Forester Jan 17, 2012  
Date  
 U.S. Forest Service, Intermountain Region



The authority and format of this instrument have been reviewed and approved for signature.

*Monica H. Cordova*

MONICA H. CORDOVA – R2- Rocky Mountain Region  
U.S. Forest Service Grants & Agreements Specialist

*1/6/2012*

Date

*Doris Mackey*

DORIS MACKEY – R4- Intermountain Region  
U.S. Forest Service Grants & Agreements Specialist

*1/6/2012*

Date

Wyoming Attorney General's Office Approved As To Form.

*S. Jane Caton #82212*

S. JANE CATON, Senior Assistant Attorney General

*1-12-12*

Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

Forest Service Unit	Forest Service Contact	Contact Information
PRIMARY FOREST SERVICE CONTACT-Region Two (R2) Water Rights and Uses Program Manager	Scott Ludwig	740 Simms Street Golden, CO 80401 (303) 275-5099
Region Four (R4) Water Rights and Uses Program Manager	Jamie Gough	324 25 <sup>th</sup> Street Ogden, UT 84401 (801) 625-5809
R4 Water Rights Program- Wyoming Water Rights Coordinator	Steve Spencer	1805 Hwy 16 Room 5 Emmett, ID 83617 (208) 365-7055
Ashley National Forest (R4)	Helen Kempenich	355 N. Vernal Avenue Vernal, UT 84078 (435) 781-5170
Bighorn National Forest (R2)	Chris Williams	2013 Eastside 2 <sup>nd</sup> Street Sheridan, WY 82801 (307) 674-2646
Black Hills National Forest (R2)	Deanna Reyher	25041 N. Highway 16 Custer, SD 57730 (605) 673-9348
Bridger-Teton National Forest (R4)	Trevlyn Robertson	671 N. Washington Street P.O. Box 339 Afton, WY 83110 (307) 883-1265
Caribou-Targhee National Forest (R4)	Louis Wasniewski	1405 Hollipark Drive Idaho Falls, ID 83401 (208) 557-5783
Medicine Bow National Forest (R2)	Dave Gloss	P.O. Box 249 Saratoga, WY 82331 (307) 326-2510
Shoshone National Forest (R2)	Karri Cary	808 Meadow Lane Cody, WY 82414 (307) 527-6921
Uinta-Wasatch-Cache National Forest (R4)	Charlie Condrat	8236 Federal Building 125 South State Street Salt Lake City, UT 84138 (801) 236-3439