

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING AMENDED LANGUAGE
TO REPLACE THE ORIGINAL LANGUAGE WITHIN SECTION 99-3-2303 AND
SECTION 99-3-2203 OF THE 2018 WYOMING STATE HOUSE BILL 0078 FOR
THE 2017 AND 2018 GILLETTE REGIONAL EXTENSION PROJECTS**

WHEREAS, in September 2017, the City of Gillette submitted a Grant Funding Request to the Wyoming Water Development Commission (WWDC) for Priority 3 and Priority 4 Regional Extension Projects; and

WHEREAS, in December 2017, the WWDC recommended Grant Funding Approval for the following Gillette Regional Water Extension Projects:

\$1,809,000 for Engineering Design, Permitting and Right-of-Way Acquisition and Construction Funding for:

- (1) Fox Ridge I&SD,
- (2) Rozet Ranchettes I&SD,
- (3) Buckskin I&SD; and

\$2,391,000 for Construction Funding for:

- (1) Crestview I&SD,
- (2) Freedom Hills I&SD,
- (3) American Road I&SD, and
- (4) Meadow Springs I&SD; and

WHEREAS, the 2018 Wyoming State Legislature approved and the Wyoming Governor signed House Bill 0078 which included the above recommended Grant Funding Appropriations; and

WHEREAS, Section 99-3-2303 and Section 99-3-2203 of the 2018 Wyoming State House Bill 0078 also included the following Amendment as a Condition Precedent to receive Grant Funding:

“(B) The sponsor shall:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps from existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County.”; and

WHEREAS, the City of Gillette declined to execute the WWDC Project Grant Funding Agreement with the aforementioned Condition, per correspondence submitted to the WWDC in June 2018 and testimony provided to the WWDC in August 2018; and

WHEREAS, in August 2018, the Wyoming State Engineer and the WWDC Director provided written confirmation to the City of Gillette stating that “Stock Uses” are “Municipal Uses” under Wyoming Water Law; and

WHEREAS, the City of Gillette has relied upon the correspondence from the Wyoming State Engineer and the WWDC Director, in preparing this Resolution for action by the Gillette City Council; and

WHEREAS, during their November 2018 meeting, the WWDC requested the City of Gillette propose amended language to replace the conflicting language included within House Bill 0078, and to otherwise confirm the offers tendered by the City of Gillette during the August 2018 testimony to the WWDC.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

1. As part of the 2019 Omnibus Water Construction Bill, the City of Gillette respectfully requests the WWDC and Select Water Committee delete the following language from Section 99-3-2303 and Section 99-3-2203 of the 2018 Wyoming State House Bill 0078:

~~“(B) The sponsor shall:~~

~~(I) — Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps from existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and~~

~~(II) — Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County.”~~

2. Further, as part of the 2019 Omnibus Water Construction Bill , the City of Gillette respectfully requests the WWDC and the Select Water Committee replace the deleted language from Section 99-3-2303 and Section 99-3-2203 of the 2018 Wyoming State House Bill 0078 for the 2017 and 2018 Gillette Regional Water Extensions Projects, with the following language:

- (a) A total of five (5) Municipal (Stock Water) taps will be provided from the existing 8”/12” treated water pipeline located generally in the vicinity of the City’s Madison Well Field in Crook County on a first-come, first-served basis. (See *Construction Drawings attached as “Exhibit A”*)
- (b) Any remaining and existing taps located on the 8”/12” treated water pipeline shall be used solely for Rural Domestic use. (See *“Exhibit A”*)
- (c) Existing water service agreements in Crook County shall remain in full force and effect.
- (d) Any new water service agreement shall be similar in form to existing individual and wholesale water service agreements previously executed in Crook and Campbell County.
- (e) The water rates, connection charges and fees shall be identical to similar rates, charges and fees assessed to City water customers, in accordance with City Ordinances.
- (f) Any additional or future water districts formed in the immediate vicinity of the City’s Madison Well Field shall be able to connect to the 8”/12” treated water pipeline. Such water districts will be served as a regional, wholesale water customer. Any new district shall own, operate and maintain their system downstream of a master meter. The City shall own the water pipelines and infrastructure from the 8”/12” treated water pipeline up to and including the master meter within a control building. The City has no obligation to plan, finance, develop or construct any additional or future regional extension project(s) in Crook County.
- (g) New water customers from the existing 8”/12” treated water pipeline shall be limited to 40,000 gallons per month for Rural Domestic uses and 80,000 gallons per month for Municipal (Stock water) use during the City’s high-demand months of June, July, August and September.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2018.

Louise Carter-King, Mayor

(S E A L)
ATTEST:

Karlene Abelseth, City Clerk