

**STATE BOARD OF EXAMINING  
WATER WELL DRILLING CONTRACTORS AND  
WATER WELL PUMP INSTALLATION CONTRACTORS**

September 2, 2015

10:00 a.m.

State Engineer's Office  
122 West 25th Street  
Cheyenne, Wyoming

**M I N U T E S**

**PARTICIPATING BOARD MEMBERS:**

John Midkiff, Chairman, Domestic Well Driller/ Board Member  
Steve Barbour, Pump Installation Contractor/ Board Member  
George Moser, State Engineer's Office (SEO)/ Board Member  
Jim O'Connor, Wyoming Department of Environmental Quality/ Board Member  
Jerry Hunt, Well Drilling & Pump Installation Contractor/ Board Member  
Nick Bebout, Well Drilling Contractor/ Board Member  
Van David, Public Member/ Board Member

**PARTICIPATING PROFESSIONAL STAFF**

Abigail Boudewyns, Assistant Attorney General (Boudewyns)  
Lynn Ritter, Executive Director (Ritter)

**ABSENT:**

**GUESTS:**

Patrick Tyrrell, State Engineer  
Charles Wilson, Inspector  
Steve Winders, Fiscal Manager

**QUORUM:**

Chairman Midkiff determined a quorum was present.

**LEGAL NOTICE:**

Legal Notice for the meeting was published on the Board Website at  
<http://wwcb.state.wy.us>.

**CALL TO ORDER:**

The meeting was called to order at 10:07 a.m. in the Board Room at the State Engineer's Office, Cheyenne, Wyoming, by Chairman Midkiff.

**REVIEW AND APPROVE MINUTES:**

Motion by David to accept and approve the minutes from the March 25, 2015, meeting,  
Second by Moser, motion passed unanimously.

Motion by David to accept and approve the minutes from the July 30, 2015, meeting, Second by Barbour, motion passed unanimously.

**REVIEW AND APPROVAL OF PROPOSED AGENDA/ADDITIONS TO AGENDA:**

Motion by Barbour accept the Agenda as written, Second by David, motion passed unanimously.

**OLD BUSINESS:**

Ritter gave update to the Board on statutory changes for record retention and requiring contracts by licensed contractors. Ritter stated that it may be possible for the State Engineer to require record retention based on 41-3-909(a)(ii) but that requiring licensees to have a contract would require a statute change.

Tyrrell asked Ritter and Boudewyns to research the language to require licensed driller to retain records for a stated period of time and he would present it to the Board of Control at their next meeting in November.

O'Connor made a motion requesting the State Engineer, Patrick Tyrrell, present to the Board of Control the possibility of changing statutes to require licensed contractors to retain copies of their records for a minimum of seven (7) years, second by Barbour, motion passed unanimously.

Ritter updated the Board on the Rules and Regulation Changes for the new rules adopted on July 30, 2015. Ritter advised the Board that the Governor had signed the rule change and that the new rules were in affect per the Secretary of State Office as of September 2, 2015.

**NEW BUSINESS:**

Winders gave the Board an update on the budget stating that the budget was below the straight line and was looking very good.

Winders left the meeting at 11:10 am.

David volunteered to be the Board's Vice Chairman.

O'Connor made a motion to elect David as the Board's Vice Chairman, Bebout second the motion, motion passed unanimously.

Tyrrell asked to change the agenda and move up the Executive Directors performance evaluation so the Board could address the performance evaluation and it's process and give input on establishing new goals for next year.

Barbour made motion to move into Executive Session to discuss personnel issues, second by David, motion passed unanimously.

Charles Wilson left the room at 11:20 am.

Executive Session started 11:20 am.

Executive Session ended 11:50 am.

Chairman Midkiff called a break at 11:51 am.

During the break Patrick Tyrrell left the meeting and stated he would return sometime after lunch.

During the break Charles Wilson returned to the meeting.

Chairman Midkiff called meeting back to order at 12:40 pm.

Ritter discussed the documents she gave to the Board in reference to her performance evaluation. Ritter asked the Board to review the Brochure and offer some suggestions as to where to disseminate it.

Moser suggested that Ritter put some of the Brochures in the various State Engineer's Field Offices throughout the state.

Ritter asked the Board to review the new licenses issued since the last Board meeting.

Moser made a motion to approve the licenses issued since the last meeting, second by Bebout, motion passed unanimously.

Ritter discussed the Notice of Intent form noting that she added a section for Landowner name and phone number. Ritter also discussed the different ways that the notice can be sent to the Board office via fax, email, USPS, and online submittal.

Moser suggested that Ritter check with the IT Department and see if the fields for the online submittal form can be made mandatory upon submitting the form.

Ritter discussed the Notification Letter that she wrote to send out to all licensed contractors advising them of the requirement to file a notice of intent.

O'Connor suggested the form be kept to one page. Hunt suggested we put an effective date on the letter.

Bebout made a motion to change the Notification Letter to add an effective date of the new rule, remove the word precious, and delete the last sentence in the letter, second by David, motion passed unanimously.

Ritter asked that the Board review the Consent Form that Boudewyns established. The Board Members were all in favor of the Consent Form.

Patrick Tyrrell returned to the meeting at 1:00 pm.

Charles Wilson discussed what he is seeing in the field while doing inspections and his concerns that the State Minimum Construction Standards are not being followed by all contractors.

The Board discussed the Consent Form and the Board's authority to act in various situations with the State Engineer Patrick Tyrrell. Tyrrell suggested that the Board staff write a list of scenarios or questions for various authority situations so he could address them with the Board of Control at their next meeting in November.

Chairman Midkiff called a break at 2:20 pm

During the break Patrick Tyrrell and Charles Wilson left the meeting.

Chairman Midkiff called meeting back to order at 2:32 pm.

Ritter asked the Board to review the forms that the Board's Contract Inspectors fill out and send to the Board Office, along with their performance evaluations completed by Ritter in July of 2015.

Ritter passed around a binder with Incident Reports that she establishes each time she receives a complaint or takes an action pertaining to a licensed or non-licensed contractor.

Ritter discussed the application for licensure from Gross Drilling and their actions of drilling without a license. Ritter will issue them a license.

Ritter discussed with the Board the concerns of the licensed drillers not having a copy of the permit prior to construction. The Board discussed a possible rule change to require that all licensed contractors have a copy of the permit at the construction site.

Board discussed the old Chapter 8 Rules and Regulations for Business Licenses and requiring an owner of a company who is not licensed but is being compensated for drilling and or pump installation to obtain a Business License.

O'Connor requested that Ritter investigate the Business Organization rule and the cost of that license and provide the Board with an update at the next Board Meeting.

Board reviewed the Board's Policies and Procedures Manual with all the policies that are currently in affect. David made a motion to accept the policy and procedures manual as it was in 2014 to continue to 2015, second by Barbour, motion passed unanimously.

**MISCELLANEOUS:**

Board reviewed the Settlement Agreement, Stipulation and Order, for Docket #13-004. Barbour made a motion to accept the Settlement Agreement, Stipulation and Order for Docket #13-004, second by David, Bebout abstained from voting, motion passed.

Moser made a motion that Ritter work with Boudewyns as needed to make an appearance at the next Board of Control and seek their advise and consent for the Board to require licensed driller to supply the U.W. 6 Statement of Completion to the State Engineer's Office, second by Barbour, motion passed unanimously.

**NEXT MEETING:**

Next meetings is schedule for January 20, 2016 at the Parkway Plaza, in Casper.

**ADJOURNMENT:**

Chairman Midkiff called meeting adjourned at 4:05pm.

Respectfully submitted,

Lynn Ritter  
Executive Director