

MINUTES

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

April 4, 2025
10:00 A.M.

PARTICIPATING BOARD MEMBERS:

Aaron Wilson- Chairman, Pump Installation Contractor
John Midkiff- Vice-Chairman, Drilling Contractor (At Large)
Jerry Hunt, Drilling Contractor (Irrigation, Industrial, Municipal)
Wes Moody, Drilling Contractor (Domestic, Stock)
Michelle Christopher, Public Well Owner
Christy Hutchinson- DEQ Designee
Ryan Cox-SEO Designee

MEMBERS OF THE PUBLIC

Paul Mitts- WGWA Board Member
Ryan Kennedy-WGWA Board Member

PARTICIPATING PROFESSIONAL STAFF:

Patrick Kent, Assistant Attorney General
Kristin Baker, State Engineer's Principal Accountant
Jimmy Gordon, Executive Director, WWCB
Jeremy Manly-State Engineers Office
Markus Malessa- State Engineers Office

CALL TO ORDER:

Chairman Wilson called the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors (WWCB) meeting to order at 10:01 a.m.

REVIEW & APPROVE AGENDA

During the Board review of the meeting agenda Board member John Midkiff made a motion to add to the agenda discussion on increasing the pay for the Executive Director. Wes Moody seconded the motion. Motion carried. The item was added to the New Business section of the meeting agenda.

REVIEW & APPROVE January 14th MEETING MINUTES

The Board reviewed the meeting minutes with one edit. Board member Michelle Christopher did not appear on the minutes originally distributed to the Board for review. That correction was made and John Midkiff made a motion to approve the updated minutes. Ryan Cox seconded the motion. Motion carried.

REVIEW & APPROVE January 14th EXECUTIVE SESSION MINUTES

The Board reviewed and approved the executive session meeting minutes as circulated. John Midkiff made a motion to approve the minutes. Jerry Hunt seconded the motion. Motion carried.

Board Chairman Appointment

John Midkiff volunteered to serve as the next Board Chairman. No other members volunteered or were nominated. Aaron Wilson made a motion to appoint John Midkiff as the next Board Chairman. Ryan Cox seconded the motion. Motion Carried.

Board Vice-Chairman Appointment

No member volunteered to serve as the Vice-Chairman. John Midkiff nominated Aaron Wilson. Aaron Wilson accepted the nomination. John Midkiff made a motion to appoint Aaron Wilson as the next Board Vice-Chairman. Wes Moody seconded the motion. Motion carried.

OLD BUSINESS:

Online Licensing Software Progress Update-

Director Gordon provided an update on the work he is doing in conjunction with the State of Wyoming ETS development team on the Board's online licensing platform. He explained that the work is progressing at a steady pace, but there was not much new information or examples to share. The goal is still for the new system to be complete and rolled out for the license renewals at the end of 2025. Aaron Wilson asked if license holders will have access to maintain their own information in the system. Director Gordon answered yes, each existing license holder and any new applicant will create a log in that will allow them to upload documents to be saved, and also to request contact information updates. John Midkiff asked if the development team was still responsive to the Board and if Director Gordon felt the work was being done efficiently. Director Gordon confirmed that both the communication and work was very clear and progress was readily communicated. There were no other questions or discussion

NEW BUSINESS:

Fiscal Update-

Kristin Baker provided an update on the Boards current budget position including revenue and expenses through March 10th 2025. She provided a revenue report and highlighted an edit she made to the report to show more detailed revenue. The new report now breaks out both types of Board revenue license fees, and groundwater application fees. She asked for any questions or if any clarifications were needed, which there were none. John Midkiff made a motion to accept the fiscal update. Michelle Christopher seconded the motion. Motion carried.

Ratification of New Licenses'-

John Midkiff made a motion to ratify all four licenses presented by director Gordon. Michelle Christopher seconded the motion. Motion carried.

Licensing Board Rules and Regulations Review

With the help of Patrick Kent from the Attorney General's office, Director Gordon informed the Board of a new legislative requirement to adopt rules to allow for expedited licensing for any active-duty military personnel or their spouse. Patrick Kent explained that there is discussion underway at the Attorney General's office to work through the new requirement and develop a process to allow all licensing Boards to adopt a more generic rule package to meet the new requirement. He advised the Board to wait until that process can advance and something can be presented to the Board for consideration. Next Director Gordon explained another Legislative requirement that will require approval from the Legislature on any proposed "Major Rule Change" by any government Board or agency. Again, Patrick Kent provided an explanation of his understanding of the new directive. This issue will still require some time to review and understand how the Legislature intends to put into practice. Lastly, Director Gordon presented

research he and Patrick Kent had done on possible rule changes the Board could discuss and deliberate in response to discussions had at previous Board meetings in regards to alleged violations of Board and State Engineers Office rules. He explained that the current Board rules leave a large amount of subjectivity from the Executive Director when it comes to alleged violations of rules or regulations. In its current form any alleged violation no matter how “minor” or “major” it might be, require the same fairly lengthy process. Also, there is currently no guidance or directive in the Board Rules to address when alleged violations of construction standards or form submittal deadlines that are forwarded from the Engineers office should warrant an investigation. Director Gordon explained two similar examples he had researched from other states currently being used in the water well licensing industry. They both outline a “point system” that assign differing levels of demerit points that are assigned to a contractor’s license when infractions are found to have occurred. In these examples once a set number of points is reached within a set timeframe, that contractor’s license would automatically be investigated for possible discipline. There were several questions for Director Gordon from Board members and members of the public in attendance about the specifics of the program he referenced. Aaron Wilson expressed his opinion that the State Engineers office already has sufficient rules in place to address violations of construction standards and form deadlines. In his opinion the Engineers office could do more to address violations without the licensing Board needing to adopt more regulations. Ryan Kennedy with the Wyoming Groundwater association offered his opinion that unless there were going to be discipline towards contractors who do not follow the rules already in place, adding new rules could not be expected to produce any different results within the industry. More discussion was had on the topic of how big of a problem are violations currently in the industry. Director Gordon provided information on a newly created document that the Engineers office provided to him detailing any permit that was received with any violation. Violations included missed deadline of the statement of completion, construction standards not met, missing information, and well completion at different depths than approved for. The form was not shared as it included names, but he informed the Board that the list of violations included many different contractors and companies, he felt confident that these violations were not only coming from a very small number of contractors. Ryan Cox, the Board representative from the Engineers office offered his opinion that the current list included roughly 170 permits. All of them have some violation associated with it. He also informed the Board that his staff has prioritized increasing the amount of completion forms processed to reduce the backlog and shorten the time from form receipt to data processing. One of several factors that lead to the increased timeframe for processing is the large number of forms that get submitted at the end of each year or prior to permit expiration. In his opinion if more forms were submitted within the 30-day requirement it would spread out the number of forms submitted at any one time of the year. Patrick Kent also mentioned that something like the point system explained, is within the Boards authority to adopt within its rules, and would not require legislative action. He also explained the possible hurdles the current rules could present when it applies to subjectivity of Board staff. In his opinion having more direct steps in place for staff to follow eliminates the possibility for perceived preference being given to one contractor over another. Chairman Wilson asked each Board member if they had any comments on the topic. Wes Moody felt to better address form submission after a well is constructed, the well owner should be required to submit the forms. This would lead to the well owner pressuring the contractor for the information in a timely manner if their water right was at risk from the Engineers office in his opinion. Jerry Hunt mentioned that in the past the well owner was responsible for submitting the forms, and that did not work. He did not believe going back to that requirement would lead to different results. He supported the Board discussing some form of rule change to address the alleged violations occurring in the industry. He mentioned that he has been approached by contractors

who know he serves on the Board with questions about what the Board accomplishes at its meetings if it does not address violations. He felt it was time for the Board to explore ideas to attempt to address these issues. Michelle Christopher also felt the discussion from previous meetings warranted more Board discussion. John Midkiff explained that he could see both sides. On one hand the engineer's office did have rules in place that could be used to address alleged violations. On the other he did see where license holders could see the current Board rules as inefficient or appear to show favoritism towards one contractor over another in certain situations. Paul Mitts of the Wyoming Groundwater Association offered his opinion. He also agreed the industry is experiencing an apparent increase in violations or poor work and the thought, among several others in the water well industry in Wyoming is that nothing is being done to address it. He felt the point system format held some merit and would support as a license holder and Association member the Board exploring it further. Director Gordon clarified that at this time, his intent was not to ask the Board to vote on a rule change to adopt the system he described. It was to gauge the Board's desire to add it to future agendas, and possibly form a committee to research more ideas further and present to the Board for discussion at future meetings. Patrick Kent informed the Board they could make a motion for Director Gordon to research it further, and present more on the topic at the next meeting, or could decide to form a committee of Board members to be involved in the research before the information is presented at the next meeting. Chairman Wilson made a specific request for Director Gordon and supporting staff to present information from all other states to compare licensing rules and regulations in the water well industry country wide at the next meeting for the Board to review. John Midkiff made a motion to direct Executive Director Gordon and professional staff to research possible rule change formats, and the current rate of violations being observed, and to present the information to the Board at the next meeting. Michelle Christopher seconded the motion. Motion carried. Director Gordon also informed the Board that he has recently met with the Engineers office Division Superintendents and they have offered their field staffs assistance in conducting site visits with contractors. He explained the field staff will initially make contact with contractors in the field and verify a valid permit for the well exists and the contractor holds a current license for the type of work being done. Director Gordon expressed his appreciation, and felt these site visits would help identify un-licensed contractors much more efficiently than in the past with limited staff available to be in the field state wide. Water Division staff are located state-wide and will report any permit or license violations to the Board if discovered.

Executive Director Update

Director Gordon provided the Board with an update of his office since the January 14th meeting. 6 exams were given to 4 applicants. 4 new licenses had been issued since the last Board meeting. He also shared a breakdown of the current license count of 313 active licenses. The settlement agreement the Board offered to a contractor in response to Docket 24-001 was mailed via certified mail on 3/26/2025. He mentioned that he had recently spoken to the contractor and his opinion was the contractor intended to sign the agreement. He also informed the Board that House Bill 120 that would have changed how contested case hearings were handled did not advance.

Executive Director Compensation Adjustment

Director Gordon began the discussion by explaining it was his understanding that the Board did not have the authority to set staff salary. He asked Kristin Baker to comment on what options the Board had in looking at adjusting staff salaries. She explained that the Board could not set a salary on its own. There were two options that they could direct her and Director Gordon to pursue. One would be to review where in the salary range the position falls given the positions

classification. If it falls on the low or middle end of that range, they could work with the HR department to increase salary within the given range. The second option would be to request the Executive Director position be reviewed by the Department of Administration and Information(A&I) for reclassification. If it is determined that the role and work being done exceeds the current classification, it could be raised which would result in a higher compensation. John Midkiff gave his opinion on the work Director Gordon has provided the Board over his time in the position, and felt an adjustment was warranted. Kristin Baker offered to research the steps necessary further and would provide an update at the next Board meeting. No motion was made on the matter.

Miscellaneous/ Public Comment-

Jerry Hunt made the Board and staff aware that his mileage reimbursement check from the January 14th meeting appeared to also include Wes Moody's reimbursement. He wanted to know if he could personally issue a payment to Wes or how to properly handle it. Director Gordon and Kristin Baker took the information relevant to the payment and will work with accounting staff to rectify the mistake and get both members reimbursed correctly.

Next Meeting

The next meeting will take place in Casper WY at the Thyra Thompson State Building on August 25th, 2025, time 10:00 a.m.

ADJOURNMENT:

Chairman Wilson adjourned the meeting at 12:17 p.m.