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My name is Mike Vickrey; I am a fifth-generation rancher from the headwaters of the Green River in Sublette County, Wyoming. In the late 1800's ranchers started developing irrigation in our area. With irrigation came the ability to produce harvestable feedstuffs that could make ranches sustainable year-round. We have been able to grow mostly grass hay, in an environment that gives us a growing season of 45 – 60 days.

Animal agriculture is the backbone of every community in my part of Wyoming, and others along the Colorado River system. It is the stability and foundation in the ever-changing demographics of our western way of life.

Decades of flood irrigation in the Upper Basin have allowed our ranches to produce some of the country's best source of protein (beef) on ground and in a climate not suitable for production of other crops.

With the ability to flood irrigate large areas of land came some other benefits probably not considered in the 1800's.... Large herds of elk, deer and antelope now use those same riparian areas that were created and sustained by the ranching industry. Streams that once dried up mid-summer are now able to withstand drought and continue to run year-round. In turn, the fishing and tourism (that goes along with blue ribbon fisheries) has been a boon to the economic base of our small communities.

While our water in the Upper and Lower Basin is shared water, the best management of each area is vastly different. In the Upper Basin: we have relatively small lakes with only a few that have structures capable of storing water. The main stem of the Green River in our area has no dam on it and is a "free river" through Sublette County.

I have heard the Lower Basin talk about the need to have some security in the allotment of water they expect to get over time. They have in fact experienced that security for many years because of Lake Powell and Lake Mead. Those of us in the very Upper Basin don't have that luxury. Each year, our expectations of how much water we will have to irrigate with are based on Mother Nature. We wait each winter in hopes of getting enough snowfall in those beautiful mountains to sustain us for the next summer. No certainty, no promises, just hope that weather patterns will take care of us for another year.

When water is short in Wyoming, mandatory regulation goes into effect. Mandatory by state law and by the environment. Under Wyoming law if there is not enough water in the creek to meet water right demands, the creek becomes regulated by the state; first in time takes precedence and water rights junior to those are shut off to meet the senior water right holder needs.

Cottonwood Creek (near us) has been regulated in 2021, 2022 and 2025 with water rights being shut off as far back as 1898; and shutting some irrigators off as early as June and full regulation by early August.

Middle Piney Creek has been mandatorily regulated 5 of the past 10 years, with shut-offs back to 1885 priority dates, by July.

South Piney has gone into regulation 7 of the past 10 years, with many coming in early July and priority dates back to 1894 being shut off.

These are just a few examples of what is happening on the ground in western Wyoming. I could go on with more, but I have another side to tell as well.

Flood irrigation, once seen as a waste of water, does something that state or federal governments cannot do. Some 275,000 acres in the Upper Green are flood irrigated. As we fill up the ground like a large sponge, we help to replenish and build a huge lake underneath the surface. Little cost to build, little to maintain, and very little government permitting. It's stored in a cool, dark environment with little loss to evaporation.

One study on the New Fork, near Pinedale, suggested that as much as 70% of the water applied to the ground returned to the river somewhere downstream (Wetstein). Other studies in different drainages have shown smaller, but still significant, return flows of 25% - 40%.

Why does all this matter in the Upper Basin? And what does it mean for the Lower Basin? Because of geography and climate, a portion of our water right is used as consumptive use to grow crops. Then a portion is used for beneficial use to maintain riparian areas for livestock, wildlife and fisheries. And here's the kicker...part of that water, plus the underground storage we created, then comes back to the river system. What happens to that water? It goes downhill to our Lower Basin neighbors, where it is used year-round.

I often hear the Lower Basin talk about the amount of salad they produce to feed the nation, and I applaud that fact. Well, here in the Upper Basin, on ground not suitable for other crops, we are able to produce enough protein in the form of beef, lamb and pork to feed our share of the country. In our part of Wyoming alone, we produce enough beef to feed 1.3 million people per year.

While I'm here to share my experience as an agriculture irrigator in the very upper reaches of the Green River, there is more to the story. Most notably, the Upper Green River Basin is home to the world's largest deposit of trona. Four major companies process the trona into soda ash, the main component for glass, detergents, and other chemicals. These byproducts contribute roughly 2 billion dollars a year to the economy. A consistent water supply is required for this process and most of that water comes from the Green River. (Not to mention the water needed for our Upper Basin power plant operations.) This water comes from "junior" water rights. Any solution going forward must incorporate enough flexibility to protect our ag lands (wide, open spaces) from industry looking to "buy and dry" upstream ranches in order to continue their operations.

Industry, municipalities, and power plants are all looking for more reliable sources of water. One of the ways they look to do this is to buy upstream ranches and then transfer the senior water rights to their facilities. This could leave the agriculture property without water or at best, with a very junior water right. As that property is dried up, it no longer contributes to the very integrated water pathways to neighboring ranches. Over time it will cause riparian areas as well to see less and less return flow to the system in the Upper Basin. I believe a much better approach in our current hydrologic conditions is to have Upper Basin storage that could be used as a "bank" for these junior water right holders. Ranches could still "sell" or "rent" water to be placed in storage through a conservation program for short periods of time. This would lessen the impact to surrounding ranches while giving each individual ranch the ability to make financial decisions that fit their needs. And industry, municipalities and power generation

could use the “bank” of water to protect themselves in times of need. Any available upstream storage, whether new or existing, could help make this happen.

The question always comes from the Lower Basin: what are you doing for conservation? I’d like to share some of those: on our ranch, countless checks (structures designed to slow down water in a ditch) have been put in to make better use of a more limited supply of water. We are then able to move that same water down the ditch in intervals and irrigate the same amount of ground with less water. We recapture water from upper fields to help irrigate lower fields. Water is rarely used to extinction on our family ranch.

Others have enrolled in voluntary conservation programs and all Upper Basin states have participated in system conservation pilot programs. For example, in Wyoming, 64 projects were funded in 2023 through SCPP and conserved 38,000 acre-feet of water. In 2024, 110 projects were funded with an estimated conserved consumptive use of 63,000 acre-feet of water.

We, in the Upper Basin, know all too well that poor hydrology makes for tough decisions. We deal with that on a yearly basis; in order to survive, we must adapt. Our insurance policy for water is a “term” policy; it runs year to year with no guarantees for the future. The Lower Basin, however, has had the luxury of a long-term policy, thanks to storage water from both Lake Mead and Lake Powell. They are now looking at further upstream units for protection. The only way going forward is a shared pain as hydrology worsens. From my Upper Basin perspective, a supply-driven model of the river is imperative. As conditions continue to change, we must adapt to the actual amount of available water and continue to search for new sources of usable water.