

ORIGINAL HOUSE
BILL NO. 0110

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

AN ACT relating to water development projects; authorizing specified Level I and Level II studies and providing appropriations; providing definitions; requiring reports; providing for reversion of unexpended funds; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

[2002-2003 WATER PROGRAM]
[DEFINITIONS]

Section 1. Definitions.

(a) As used in this act:

(i) "Commission" means the Wyoming water development commission created by W.S. 41-2-117;

(ii) "Hold project" means a project which has had a previous legislative funding authorization for a study at the same level authorized by this act, but has been placed on hold status as a result of outstanding issues which warrant limiting future expenditures until the issues are resolved. Hold status serves to document commission or sponsor interest in a project subject to resolution of issues;

(iii) "Water development account I" means the account created by W.S. 41-2-124(a)(i);

(iv) "Water development account II" means the account created by W.S. 41-2-124(a)(ii).

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

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2002 SPECIAL SESSION

Section 2. LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT. The following sums of money are appropriated from water development account I to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2004, shall revert to water development account I. The commission shall submit a report to the legislature on each of the following studies prior to the 2004 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|---|-----------------|----------------------|
| Baggs Master Plan | Carbon County | \$ 40,000 |
| Green River Groundwater Recharge And Alternate Storage | Sublette County | 50,000 |
| Powder River Water Supply | Natrona County | 40,000 |
| South Garden Creek Water Supply | Natrona County | 100,000 |
| University of Wyoming Research | Statewide | <u>200,000</u> |
| Total appropriation for Section 2 | | \$430,000 |

Section 3. LEVEL I RECONNAISSANCE STUDIES - REHABILITATION. The following sums of money are appropriated from water development account II to the commission to be expended to conduct the following reconnaissance studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the reconnaissance study for any other project listed in this section. Appropriated funds not expended prior to July

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FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

1, 2004, shall revert to water development account II. The commission shall submit a report to the legislature on each of the following studies prior to the 2004 legislative session.

[LEVEL I RECONNAISSANCE STUDIES -
REHABILITATION]

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|---|----------------------|----------------------|
| Alta Master Plan | Teton County | \$50,000 |
| Hot Springs State Park, Big Springs Study | Hot Springs County | 50,000 |
| Ranchester Master Plan | Sheridan County | 75,000 |
| Saratoga Master Plan Update | Carbon County | 60,000 |
| Tensleep/Hyattville Master Plan | Washakie/Bighorn Co. | 75,000 |
| Wagner Cherokee Irrigation Master Plan | Carbon County | 40,000 |
| York/South Side Ditch Master Plan | Sheridan County | <u>60,000</u> |
| Total appropriation for Section 3 | | \$410,000 |

Section 4. LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT. The following sums of money are appropriated from water development account I to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2004, shall revert to water development account I. The commission shall submit a report to the legislature on each of the following studies prior to the 2004 legislative session.

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

ORIGINAL HOUSE
BILL NO. 0110

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|---|---|----------------------|
| Bairoil Master Plan | Sweetwater County | \$40,000 |
| Big Horn Regional Water Supply | Hot Springs, Washakie, Big Horn Counties | 675,000 |
| Buffalo Tank | Johnson County | 50,000 |
| Cheyenne Hydropower 1. | Laramie County | 60,000 |
| Coal Bed Methane Aquifer Storage Retrieval | Campbell County | 510,000 |
| Dayton Groundwater | Sheridan County | 460,000 |
| Dubois Regional Water Supply | Fremont County | 75,000 |
| Greybull Raw Water | Big Horn County | 50,000 |
| Greybull Valley ID Hydropower 1. | Park, Big Horn Counties | 60,000 |
| Irrigation Hydropower 1. | Park, Big Horn Counties | 50,000 |
| Lander Paleozoic Well | Fremont County | 40,000 |
| Little Snake River Dams | Carbon County | 80,000 |
| Lovell ID Hydropower 1. | Big Horn County | 60,000 |
| North Alpine Water Supply 2. | Lincoln County | 60,000 |
| Pinedale Hydropower 1. | Sublette County | 40,000 |
| Pine Haven Well | Crook County | 575,000 |
| Sheridan Hydropower 1. | Sheridan County | 50,000 |
| Viva Naughton Enlargement | Lincoln County | 300,000 |
| Hold Projects* | Statewide | 15,000 |
| Total appropriation for Section 4 | | <u>\$3,250,000</u> |

1. Hydropower study project sponsors must execute a project agreement with the commission that stipulates that the cost of the study shall be repaid, with interest at a rate of seven and one-quarter percent (7.25%), when power facilities described in the study are constructed. Interest shall accrue when construction is completed and power revenues are earned by the sponsor. If the power facilities are not constructed, the sponsor will not be required to pay for the cost of the study.

2. The sponsor must first acquire ownership of the existing water system before the study can begin.

ORIGINAL HOUSE
BILL NO. 0110

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

*Hold projects include: Blackwillow, Rock Springs East, Bridger Valley and Hawk Springs Water Supply Projects, Crow Creek Groundwater Recharge, Goshen Reregulating Reservoir, Middle Fork Dam, North Cheyenne and Smith's Fork Dam Projects.

Section 5. LEVEL II FEASIBILITY STUDIES - REHABILITATION. The following sums of money are appropriated from water development account II to the commission to be expended to conduct the following feasibility studies as defined in W.S. 41-2-114. Funds appropriated under this section for a particular project which are in excess of the actual amount necessary to complete the study may, subject to the review of the select water committee, be expended by the commission to complete the feasibility study for any other project listed in this section. Appropriated funds not expended prior to July 1, 2004, shall revert to water development account II. The commission shall submit a report to the legislature on each of the following studies prior to the 2004 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|--|--------------------------------------|----------------------|
| Albin Water Supply Rehabilitation | Laramie County | \$160,000 |
| Byron Raw Water Supply | Big Horn County | 40,000 |
| Green River Supply Canal | Sublette County | 200,000 |
| Hidden Valley Pipeline | Fremont County | 100,000 |
| Highline Canal | Big Horn County | 50,000 |
| Lake DeSmet Master Plan and Reservoir Rehabilitation Plan 1. | Johnson, Sheridan, Campbell Counties | 100,000 |
| LeClair Laterals | Fremont County | 50,000 |
| Riverton Valley Rehab #II, Phase II | Fremont County | 40,000 |
| West Side Canal, Jon's Drop | Carbon County | <u>25,000</u> |

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BILL NO. 0110

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

And Four-mile Flume
Total appropriation for Section 5 \$765,000

1. The project sponsor for the Lake DeSmet Master Plan and Reservoir Rehabilitation Plan shall execute a project agreement with the commission which stipulates that the cost of the study shall be repaid with interest at a rate of seven and one-quarter percent (7.25%). Repayment of the study is only required if the sponsor receives revenue from a multi-year term water sales agreement for purchase of Lake DeSmet water. Interest shall accrue upon execution of a long-term contract. If the sponsor does not enter into a long-term contract, the sponsor shall not be required to pay for the study.

Section 6. Contingent upon the availability of United States Department of Interior, Bureau of Reclamation matching funds, there is appropriated one hundred thousand dollars (\$100,000.00) from water development account I to the Wyoming water development office to meet the state's proportionate share of the contract expense for the conservation staff position for fiscal year 2003 and fiscal year 2004.

Section 7. W.S. 41-2-119 is amended to read:

41-2-119. Groundwater studies.

(a) The Wyoming water development commission may grant not to exceed ~~three million dollars (\$3,000,000.00)~~ four million five hundred thousand dollars (\$4,500,000.00) to incorporated cities and towns, water and sewer districts and improvement and service districts in Wyoming for exploration for and feasibility studies of the use of underground water for municipal and rural domestic purposes, not to exceed ~~two hundred thousand dollars~~

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BILL NO. 0110

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

~~(\$200,000.00)~~ four hundred thousand dollars (\$400,000.00) for any one (1) exploration or study. The grants shall be made from revenues from water development account I and those revenues are hereby so appropriated. Any city or town, water and sewer district or service and improvement district receiving a grant pursuant to this section shall provide at least ~~ten percent (10%)~~ twenty-five percent (25%) of the cost of the exploration or study from its own funds. The commission shall adopt rules and regulations governing application procedures for the grants.

(b) The commission may expend not to exceed ~~one million dollars (\$1,000,000.00)~~ two million five hundred thousand dollars (\$2,500,000.00) from the funds appropriated under subsection (a) of this section for exploration and for feasibility studies of the use of underground water for municipal and rural domestic purposes subject to the following conditions:

(i) The exploration or study shall be conducted in conjunction with an incorporated city or town, water and sewer district or service and improvement district in Wyoming under an agreement;

(ii) Not more than ~~two hundred thousand dollars (\$200,000.00)~~ four hundred thousand dollars (\$400,000.00) in state funds shall be expended for any one (1) exploration or study under this subsection;

(iii) The incorporated city or town, water and sewer district or service and improvement district shall provide at least twenty-five percent (25%) of the cost of the exploration or study from funds other than under this subsection;

ORIGINAL HOUSE
BILL NO. 0110

ENROLLED ACT NO. 8, HOUSE OF REPRESENTATIVES

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

(iv) The incorporated city or town, water and sewer district, or improvement and service district shall apply for participation in this program under procedures established by rules and regulations adopted by the commission.

Section 8. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk