

WORKING DRAFT

HOUSE BILL NO. _____

Instream flow-Fremont Lake pilot project.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to water; providing for the Town of
2 Pinedale to release water stored in Fremont Lake for
3 purposes of instream flow as a pilot project; requiring a
4 report; providing a sunset date; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 41-3-1015 is created to read:

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11 **41-3-1015. Pilot project providing for instream flow;**
12 **restrictions; report requirement; sunset date.**

13

14 (a) A pilot project shall be established to allow the Town
15 of Pinedale to release up to four thousand eight hundred

1 (4,800) acre-feet of water, if available and properly
2 stored under reservoir permit number 4452, in any one (1)
3 water year. Notwithstanding the requirements of W.S. 41-3-
4 1002 (e), the state engineer shall allow and protect the
5 releases with the following restrictions:

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7 (i) The release shall not violate the provisions
8 of W.S. 41-3-1006(g) or (h) or W.S. 41-3-1014;

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10 (ii) The release shall not injure the water
11 rights of any other lawful appropriator;

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13 (iii) The stream segment in which the instream
14 flow shall apply shall coincide with the stream segment
15 identified in existing instream flow permit numbers 33 and
16 34 on Pine Creek from Fremont Lake to the mouth of Pine
17 Creek;

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19 (iv) Measurement of the instream flow releases
20 provided under this section shall be performed at the same
21 point of measurement established for existing instream flow
22 permits on Pine Creek. If the state engineer deems
23 additional measuring devices are required, the measuring

1 devices shall be constructed by the game and fish
2 commission pursuant to W.S. 41-3-1003;

3

4 (v) A specific water use agreement shall be
5 executed between the Town of Pinedale, the game and fish
6 commission and the water development commission for the
7 period of this pilot project. The agreement shall allow
8 the water development commission to request regulation on
9 behalf of water released under this section pursuant to
10 W.S. 41-3-1008;

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12 (vi) The total amount of stream flow to be
13 protected as instream flow at the point or points of
14 measurement shall not exceed forty (40) cubic feet of water
15 per second of time, which includes the combined flow rates
16 already in the channel of Pine Creek by virtue of existing
17 instream flow permit numbers 33 or 34, as well as releases
18 made under this section;

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20 (vii) The Town of Pinedale shall be responsible
21 for removal of physical obstructions, if any, at the outlet
22 of Fremont Lake that inhibit the ability to release water
23 under reservoir permit number 4452 into Pine Creek.

24

(b) No permanent instream flow water right shall be conferred upon the releases made and protected as instream flow under this pilot project.

5 (c) This section is repealed effective September 30,
6 2011.

8 **Section 2.** No later than December 31, 2011, the state
9 engineer shall report to the governor, the joint
10 agriculture, public lands and water resources interim
11 committee and the select water committee on the operations
12 and results of this pilot project.

14 **Section 3.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

19 (END)