

ENROLLED ACT NO. 52, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to water development projects; authorizing specified Level I and Level II studies and providing appropriations; requiring reports; providing for reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated project studies under certain conditions; and providing for an effective date.

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

Section 1. 2006 Wyoming Session Laws, Chapter 99, Sections 1 and 3 through 5 and 6 by creating a new Part II are amended to read:

[2006-2007 WATER PROGRAM]

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

Section 1. 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, 2008, 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 2008 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

PROJECT

LOCATION

APPROPRIATION

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Owl Creek Rural Water Supply	Hot Springs County	\$75,000
Statewide Water Research	Statewide	300,000
		<u>600,000</u>
Wind River Glaciers	Fremont, Sublette Counties	225,000
<u>Clearmont CBM Impact Plan</u>	<u>Sheridan County</u>	<u>75,000</u>
<u>Green River Basin Plan II</u>	<u>Green River Basin</u>	<u>600,000</u>
<u>Green River, Rock Springs,</u>	<u>Sweetwater County</u>	<u>220,000</u>
<u>Sweetwater County JPWB Master</u>		
<u>Plan II</u>		
<u>Laramie County Aquifer Study</u>	<u>Laramie County</u>	<u>300,000</u>
<u>Phase I</u>		
<u>Lusk Area Ground Water</u>	<u>Niobrara County</u>	<u>200,000</u>
<u>Pinedale Master Plan 2007</u>	<u>Sublette County</u>	<u>210,000</u>
<u>Northern Arapaho Master Plan</u>	<u>Fremont County</u>	<u>125,000</u>
<u>Star Valley Regional Master</u>	<u>Lincoln County</u>	<u>600,000</u>
<u>Plan</u>		
Total appropriation for Section 1		\$600,000
		<u>\$3,230,000</u>

Section 3. 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, 2008, 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 2008 legislative session.

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

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<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Glendo Water Supply	Platte County	\$625,000
LaBarge Water Supply	Lincoln County	400,000
Cheyenne/Laramie County Water Service Area	Laramie County	450,000
Sundance Meadows 1.	Converse County	50,000
Alpine Master Plan Update, Phase II	Lincoln County	185,000
Cheyenne Belvoir Ranch, Phase II 2.	Laramie County	450,000
Glenrock Well Phase II	Converse County	550,000
Hudson Water Supply	Fremont County	575,000
Lysite Test Well	Fremont County	545,000
Northern Arapaho Groundwater, Budget Increase	Fremont County	605,000
Saratoga Test Well, Phase II	Carbon County	300,000
Shoshone Groundwater Dev., Budget Increase	Fremont County	600,000
Jon's Drop Hydropower	Carbon County	40,000
Coalbed Methane (CBM) Water Delivery	Powder and North Platte River Basin	500,000
Analysis, Powder River Basin to Platte River Basin 3.		
Hold Projects*	Statewide	15,000
<u>Star Valley Ranch Groundwater 4.</u>	<u>Lincoln County</u>	<u>600,000</u>
<u>Upton Well No. 6</u>	<u>Weston County</u>	<u>75,000</u>
<u>Cody Canal Hydropower</u>	<u>Park County</u>	<u>75,000</u>
<u>Dixon Water Supply II</u>	<u>Carbon County</u>	<u>75,000</u>
<u>Dayton Raw Water</u>	<u>Sheridan County</u>	<u>100,000</u>
<u>Frannie Raw Water</u>	<u>Park County</u>	<u>50,000</u>
<u>Hoback Water Supply</u>	<u>Teton County</u>	<u>700,000</u>
<u>Laramie Water Management Plan</u>	<u>Albany County</u>	<u>260,000</u>
Total appropriation for Section 3		<u>\$5,890,000</u> <u>\$7,825,000</u>

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1. The project shall first form a public entity prior to commencement of the study.

2. Surface and groundwater interference issues shall be addressed during the study.

3. The water development commission in consultation with the governor's office, the attorney general's office, the state engineer's office, the department of environmental quality and representatives of the oil and gas industry shall compile a scope of services and request for proposal to secure the needed professional engineering services to conduct the study.

4. The sponsor shall acquire appropriate portions of the existing system prior to commencement of the study.

*Hold projects include: Blackwillow, Rock Springs East, ~~Bridger Valley Water Supply Projects~~, Cheyenne Hydropower, Crow Creek Groundwater Recharge, Goshen Re-regulating Reservoir, ~~Greybull Valley Hydropower, Middle Fork Dam~~ and North Cheyenne.

As used in this section, "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.

Section 4. LEVEL II FEASIBILITY STUDIES - STORAGE.
The following sums of money are appropriated from water development account III, as created by W.S. 41-2-124(a)(iii), to the commission to be expended to

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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, 2008, shall revert to water development account III. The commission shall submit a report to the legislature on each of the following studies prior to the 2008 legislative session.

[LEVEL II FEASIBILITY STUDIES - STORAGE]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Middle Piney, Phase I	Sublette County	\$200,000
<u>Viva Naughton Enlargement II</u>	<u>Lincoln County</u>	<u>250,000</u>
<u>Bridger Valley Reservoir</u>	<u>Uinta County</u>	<u>100,000</u>
<u>Cottonwood Lake Enlargement</u>	<u>Lincoln County</u>	<u>80,000</u>
<u>Hopkins Reservoir Study</u>	<u>Johnson County</u>	<u>100,000</u>
<u>Rawlins Raw Water Storage</u>	<u>Carbon County</u>	<u>100,000</u>
<u>Sublette Creek Reservoir</u>	<u>Lincoln County</u>	<u>81,000</u>
<u>Upper Green River Storage</u>	<u>Sublette County</u>	<u>200,000</u>
Total appropriation for Section 4		\$200,000 <u>\$1,111,000</u>

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

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section. Appropriated funds not expended prior to July 1, 2008, 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 2008 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Casper Alcova ID GIS	Natrona County	\$200,000
Douglas Groundwater	Converse County	75,000
Shoshone ID Rehab, GIS	Park County	300,000
Washakie Co. Safety	Washakie County	50,000
Crowheart/Dinwoody 1.	Fremont County	200,000
Gooseberry ID	Washakie/Hot Springs	100,000
Conservation, 2006	Counties	
Heart Mountain ID,	Park County	21,000
Budget Increase		
Riverton/Mountain	Fremont County	125,000
View, Budget Increase		
Wheatland ID,	Platte County	300,000
Phase II Conservation		
<u>Enterprise Conservation</u>	<u>Fremont County</u>	<u>100,000</u>
<u>Fort Laramie Supply</u>	<u>Goshen County</u>	<u>100,000</u>
<u>Greybull Valley I.D.,</u>	<u>Big Horn County</u>	<u>100,000</u>
<u>Upper Sunshine Diversion</u>		
<u>Kirby Irrigation</u>	<u>Hot Springs County</u>	<u>200,000</u>
<u>Manville Water Supply</u>	<u>Niobrara County</u>	<u>90,000</u>
<u>Willwood Diversion Dam</u>	<u>Park County</u>	<u>250,000</u>
Total appropriation for Section 5		<u>\$1,371,000</u> <u>\$2,211,000</u>

1. An official letter, minutes from a meeting, or resolution of the business council of the Eastern Shoshone tribe or Northern Arapaho tribe or the joint business council of the Eastern Shoshone and Northern Arapaho tribes, which demonstrates support for the project shall be submitted to the Wyoming water development office prior to commencement of the project.

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**Section 6. Part II. LEVEL I FEASIBILITY STUDY -
MITIGATION NORTH PLATTE DRAINAGE SYSTEM.**

(a) There is appropriated one hundred thousand dollars (\$100,000.00) from the water development account I to the Wyoming water development office to be expended to conduct feasibility studies specified in this section. Notwithstanding W.S. 9-4-207(a), funds appropriated under this section that are not encumbered or obligated prior to June 30, 2008, shall not revert to the general fund, but shall be used by the office to complete the studies authorized under this section. Level I feasibility funds appropriated under this section shall be used as follows:

(i) To develop a five (5) year plan to mitigate surface/drain water and groundwater replacement requirements required of the state of Wyoming as defined in the modified North Platte River Decree in an area bounded by Whalen Diversion Dam on the west, the Fort Laramie Canal on the South, the Interstate Canal on the North and the Wyoming-Nebraska state line on the east;

(ii) To explore and facilitate the creation of an irrigation district as an alternative for purchasing or otherwise acquiring replacement water as described in paragraph (a)(i) of this section;

(iii) To locate and determine the feasibility of development of nonhydrological sources to mitigate the state of Wyoming's water replacement obligations described by the modified North Platte River decree and by paragraph (a)(i) of this section.

(b) The office shall report its findings to the select water committee prior to November 1, 2007.

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(c) Any balance of funds remaining after completion of the level I feasibility study may be used for the acquisition of replacement water as described in paragraph (a)(i) of this section.

(d) As used in this section, "modified North Platte River decree" means the North Platte River decree approved by the United States Supreme Court in *Nebraska v. Wyoming*, 534 U.S. 40 (2001).

Section 2. 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