

SENATE FILE NO. SF0091

Small water projects.

Sponsored by: Senator(s) Hicks, Driskill and Meier and
Representative(s) Blake, Hunt and Paxton

A BILL

for

1 AN ACT relating to water development; providing for
2 recommendation of small water projects by the water
3 development commission; requiring review of small water
4 projects by the select water committee; requiring
5 legislative approval of funding for small water projects;
6 providing for reversion of appropriations; and providing
7 for an effective date.

8

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

10

11 **Section 1.** W.S. 28-11-101(b)(v), 41-2-112(b) by
12 creating a new paragraph (viii), 41-2-113(a) by creating a
13 new paragraph (iv), 41-2-123(f), 99-3-1903(k)(ix) and
14 99-3-1904(m)(ix) are amended to read:

15

1 **28-11-101. Appointment of members; powers and duties;**
2 **related duties of water development commission.**

3
4 (b) The select committee shall:

5
6 (v) Review the budgets of all projects including
7 small water projects and make recommendations.

8
9 **41-2-112. Wyoming water development program.**

10
11 (b) In developing financing recommendations under the
12 Wyoming water development program, the commission shall:

13
14 (viii) Consider recommendations related to small
15 water projects which shall be administered as follows:

16
17 (A) The commission shall establish
18 eligibility criteria and administration procedures for
19 development of small projects. The eligibility criteria
20 shall:

21
22 (I) Not include any requirement for a
23 watershed study;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

(II) Provide that any project that does not meet the eligibility criteria for large project programs shall be eligible for the small water project program provided it meets the small water project program eligibility criteria other than the maximum size or storage limitations.

(B) The commission may recommend funding projects with grants in an amount not to exceed fifty percent (50%) of the construction cost of a project with a maximum grant awarded limited to thirty-five thousand dollars (\$35,000.00);

(C) The project sponsors shall substantiate the public benefit that will be derived from proposed projects;

(D) The commission may make monthly progress payments for no more than fifty percent (50%) of eligible monthly project expenses;

1 (E) An appropriate land management or
2 resource management entity shall certify that the proposed
3 project will meet expectations and that appropriate
4 engineering standards, as approved by the commission, will
5 be adhered to;

6
7 (F) The establishment of criteria and
8 administrative procedures for the development of small
9 projects under this subsection and decisions of the
10 commission relating to the recommendations and
11 prioritization of small water projects are specifically
12 exempt from the provisions of the Wyoming Administrative
13 Procedure Act including judicial review under W.S. 16-3-114
14 and 16-3-115.

15
16 **41-2-113. Definitions.**

17
18 (a) As used in W.S. 41-1-106 through 41-1-108 and
19 41-2-107 through 41-2-118:

20
21 (iv) "Small water project" means the
22 construction, rehabilitation or replacement of dams,
23 windmills, springs, pipelines or other projects to impound,

1 develop or convey water for irrigation, livestock,
2 wildlife, environmental and recreational purposes. The
3 maximum financial contribution requested from the state for
4 a small water project shall be thirty-five thousand dollars
5 (\$35,000.00) or fifty percent (50%) of the eligible project
6 cost, whichever is less.

7
8 **41-2-123. Project studies generally; hearings;**
9 **reimbursement of costs; source of funding; use of**
10 **unobligated funds; recommendations to legislature.**

11
12 (f) All recommendations, including proposed
13 legislation, from the water development commission to the
14 legislature required by law regarding specific water
15 projects including small water projects shall be presented
16 to the select water committee created by W.S. 28-11-101 not
17 later than fifteen (15) days prior to commencement of the
18 legislature to which the reports are due. The committee
19 shall review and make recommendations to the legislature
20 regarding commission recommendations and proposed
21 legislation.

22

1 **99-3-1903. Level III construction projects - new**
2 **development.**

3
4 (k) Project - Small Water Development
5 Projects - 2014:

6
7 (ix) No new project shall be authorized under
8 this subsection on or after July 1, ~~2025~~2017.

9
10 **99-3-1904. Level III construction projects -**
11 **rehabilitation.**

12
13 (m) Project - Small Water Development
14 Projects - 2014:

15
16 (ix) No new project shall be authorized under
17 this subsection on or after July 1, ~~2025~~2017.

18
19 **Section 2.**

20
21 (a) Any funds remaining unobligated from the
22 appropriation in W.S. 99-3-1903(k)(vi) shall revert to
23 water development account I on July 1, 2017.

1

(b) Any funds remaining unobligated from the appropriation in W.S. 99-3-1904(m)(vi) shall revert to water development account II on July 1, 2017.

5

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

10

11 (END)