

ENROLLED ACT NO. 48, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for the reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; providing an appropriation for the office of water programs; transferring funds from the general fund to water development account I; clarifying authority of the Wyoming water development commission regarding Inflation Reduction Act funding for drought mitigation projects and regional conservation partnership program funding; and providing for an effective date.

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

[2024-2025 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, as created by W.S. 41-2-124(a)(i), to the water development 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 that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation 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 or obligated prior to July 1, 2027 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 2026 legislative session:

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[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Alpine Water Master Plan	Lincoln County	\$153,000
Bairoil Water Master Plan	Sweetwater County	\$147,000
Chugwater Water Master Plan	Platte County	\$209,000
Douglas Water Master Plan	Converse County	\$286,000
GR/RS/SC JPWB Regional Water Master Plan	Sweetwater County	\$432,000
Hudson Water Master Plan	Fremont County	\$210,000
Salt River Watershed Study	Lincoln County	\$344,000
Shoshone Municipal Pipeline Regional Water Master Plan	Park County	\$216,000
Sinclair Water Master Plan	Carbon County	\$147,000
UW Water Research Program	Statewide	\$397,514 ¹
Total appropriation for Section 1		\$2,541,514

Footnotes:

1. Funds for these projects are contingent upon the transfer of funds to water development account I as described in section 5 of this act or transfer from another funding source.

Section 2. LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development 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 that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation 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 or obligated prior to July 1, 2027 shall revert to water development account I. The commission shall submit a report to the legislature on

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each of the following studies prior to the 2026 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cody Areas Evaluation 2024 Greybull Water System Improvements	Park County	\$139,000
Hot Springs County Supply Evaluation	Big Horn County	\$160,000
	Hot Springs County	\$365,000
Total appropriation for Section 2		\$664,000

Section 3. LEVEL I RECONNAISSANCE STUDIES - REHABILITATION. The following sums of money are appropriated from water development account II, as created by W.S. 41-2-124(a)(ii), to the water development 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 that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation 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 or obligated prior to July 1, 2027 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 2026 legislative session.

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[LEVEL I RECONNAISSANCE STUDIES - REHABILITATION]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Big Horn Canal Irrigation District Master Plan	Big Horn County	\$289,000
Elk Canal Master Plan	Park County	\$265,000
Horse Creek Conservation District Master Plan	Goshen County	\$248,000
Midvale Irrigation District Master Plan	Fremont County	\$409,000
Powder River Irrigation District Master Plan	Johnson County	\$176,000
Strawberry Canal Master Plan	Lincoln County	\$235,000 ²
Total appropriation for Section 3		\$1,622,000

Footnotes:

2. Funds from this appropriation shall not be expended until the project sponsor has formed a public entity.

Section 4. There is appropriated one hundred seventy-five thousand dollars (\$175,000.00) to the water development commission from water development account I, as created by W.S. 41-2-124(a)(i), to fund the office of water programs established under W.S. 41-2-125 for the period beginning July 1, 2024 and ending June 30, 2026. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026.

Section 5. The state auditor shall transfer three hundred ninety-seven thousand five hundred fourteen dollars (\$397,514.00) from the general fund to water development account I as created by W.S. 41-2-124(a)(i).

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**Section 6. INFLATION REDUCTION ACT DROUGHT MITIGATION
IN THE RECLAMATION STATES.**

(a) Section 50233 of Public Law 117-169, 136 Stat. 1818, (commonly known as the Inflation Reduction Act of 2022) appropriates four billion dollars (\$4,000,000,000.00) to the secretary of the interior, acting through the commissioner of the bureau of reclamation, to mitigate the impacts of drought in the reclamation states with priority given to the Colorado River Basin.

(b) The bureau of reclamation is authorized to contract with public entities such as the Wyoming water development commission through September 30, 2026, for grants, contracts or financial assistance agreements that provide for the conduct of activities to mitigate the impacts of drought.

(c) The water development commission shall continue to be authorized to contract with the bureau of reclamation and accept funding for grants, contracts and financial assistance agreements that provide for the conduct of the drought mitigation activities identified in the Inflation Reduction Act of 2022 and related to Wyoming's portion of the Colorado River Basin. The commission shall identify, evaluate, prioritize and recommend to the bureau of reclamation drought mitigation activities in accordance with criteria established for funding those activities.

(d) The water development commission shall be authorized to contract with Wyoming water right holders and others to implement the drought mitigation activities identified in this section.

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(e) The identification, evaluation, prioritization and recommendation of qualifying drought mitigation activities under this section, and the decisions of the water development commission relating to the identification, evaluation, prioritization and recommendation to the bureau of reclamation of qualifying drought mitigation activities for funding under the Inflation Reduction Act of 2022, shall be exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115.

(f) The definition of "sponsor" as defined in the rules and regulations of the water development commission, Chapter 1, Section 3(i), shall not apply to qualifying drought mitigation activities within the state of Wyoming for Inflation Reduction Act of 2022 funding.

(g) The authority granted to the water development commission under this section shall be effective only when Inflation Reduction Act of 2022 funding for drought mitigation activities remains available.

Section 7. REGIONAL CONSERVATION PARTNERSHIP PROGRAM - FUNDING.

(a) Section 2701 of Public Law 115-334, 132 Stat. 4592, (commonly known as the Agricultural Improvement Act of 2018 or "Farm Bill") establishes the regional conservation partnership program (16 U.S.C. 3871 through 3871f, and 7 CFR 1464), appropriating three hundred million dollars (\$300,000,000.00) to the secretary of agriculture, for the purpose of furthering conservation, protection restoration and sustainable use of soil, water, wildlife, agricultural land and related natural resources on eligible land on a regional or watershed scale, and to encourage eligible

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partners to cooperate with producers in achieving conservation outcomes and benefits.

(b) Section 2501 of Public Law 115-334, 132 Stat. 4592 designates the United States department of agriculture, natural resources conservation service (NRCS), as the lead agency in developing and establishing technical standards and requirements for conservation programs carried out under the regional conservation partnership program.

(c) Section 21001 of Public Law 117-169, 136 Stat. 1818, (commonly known as the Inflation Reduction Act of 2022) appropriates two hundred fifty million dollars (\$250,000,000.00) for fiscal year 2023 to the secretary of agriculture to carry out the regional conservation partnership program.

(d) The secretary of agriculture is authorized to enter into partnership agreements with the Wyoming water development commission to implement eligible regional conservation partnership program projects.

(e) NRCS has granted the Wyoming water development commission twenty-five million dollars (\$25,000,000.00) to manage regional conservation partnership program projects for the purpose of water efficiency and conservation in Wyoming's portion of the Colorado River Basin.

(f) The water development commission shall continue to be authorized to enter into partnership agreements with NRCS to implement regional conservation partnership program projects. The commission shall utilize the regional conservation partnership program funding to implement eligible regional conservation partnership program projects in Wyoming's portion of the Colorado River Basin. The

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commission shall identify, evaluate, prioritize and recommend to NRCS regional conservation partnership program projects in accordance with criteria established for funding those projects.

(g) The water development commission shall be authorized to contract with Wyoming water right holders and others to implement the regional conservation partnership program funding projects identified in this section.

(h) The identification, evaluation, prioritization and recommendation of qualifying regional conservation partnership program projects under this section, and the decisions of the water development commission relating to the evaluation, prioritization and recommendation to the NRCS of qualifying regional conservation partnership program projects are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115.

(j) The definition of "sponsor" as defined in the rules and regulations of the water development commission, Chapter 1, Section 3(i), shall not apply to qualifying projects within the state of Wyoming for regional conservation partnership program funding.

(k) The authority granted to the water development commission under this section and any criteria or administrative procedures established pursuant to this section shall be effective only when regional conservation partnership program funding remains available.

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Section 8. 2022 Wyoming Session Laws, Chapter 84, Section 2 is amended to read:

Section 2. LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT. The following sums of money are appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development 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 study that are in excess of the actual amount necessary to complete the study may, subject to the review and recommendation of the select water committee, be expended by the commission to complete any other feasibility study listed in this section. Appropriated funds not expended or obligated prior to July 1, 2025 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 2024 legislative session:

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

<u>PROJECT</u>	<u>LOCATION</u>	<u>APPROPRIATION</u>
Cloud Seeding: Operations Hydrological Assessment		
Medicine Bow & Sierra	Albany and	
Madre Mountain Ranges	Carbon Counties	\$300,000
Fontenelle Reservoir Storage	Lincoln and Sweetwater Counties	\$1,700,000
LaGrange Groundwater Supply & Improvements	Goshen County	\$725,000
Pavillion Groundwater Supply	Fremont County	\$687,000 \$1,116,000
Total 2022 appropriation for Section 2		\$3,412,000
<u>Total 2024 appropriation for Section 2</u>		<u>\$429,000</u>

ORIGINAL HOUSE
BILL NO. HB0104

ENGROSSED

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Section 9. 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