

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 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; authorizing positions and providing an appropriation; authorizing the expenditure of funds for certain mitigation activities as specified; providing for groundwater studies expenditures; and providing for an effective date.

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

Section 1. 2004 Wyoming Session Laws, Chapter 34, Sections 2 through 5 and by creating new sections 7 through 9 and by renumbering section 7 as 10 are amended to read:

[AUTHORIZED LEVEL I AND LEVEL II STUDIES]

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, 2006, 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 2006 legislative session.

[LEVEL I RECONNAISSANCE STUDIES - NEW DEVELOPMENT]

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|--|---|-------------------------------------|
| <u>Casper Master Plan Update</u> | <u>Natrona County</u> | <u>200,000</u> |
| Crook County Reservoirs & Water Management Study | Crook County | \$150,000 |
| <u>Framework Water Plan</u> | <u>Statewide</u> | <u>500,000</u> |
| <u>Gooseberry I.D. Storage 1.</u> | <u>Washakie County</u> | <u>75,000</u> |
| <u>Green River, Rock Springs, Sweetwater County Joint Powers Board Master Plan</u> | <u>Sweetwater County</u> | <u>250,000</u> |
| <u>Heart Mountain I.D. Return Flow Study</u> | <u>Park County</u> | <u>75,000</u> |
| <u>Hoback Junction Water Supply Interactive Database</u> | <u>Teton County</u> <u>Northeast Wyoming</u> | <u>75,000</u> <u>575,000</u> |
| <u>Kirby Area Water Supply Study 1.</u> | <u>Washakie County</u> | <u>150,000</u> |
| <u>Kirby Municipal Master Plan</u> | <u>Washakie County</u> | <u>75,000</u> |
| <u>Lysite Water Supply</u> | <u>Fremont County</u> | <u>75,000</u> |
| Statewide Water Research | Statewide | 200,000 400,000 |
| <u>Sweetwater River Watershed Plan 2.</u> | <u>Fremont County</u> | <u>300,000</u> |
| <u>Water Value Analysis</u> | <u>Green River Basin</u> | <u>150,000</u> |
| Westside Irrigation NEPA | Washakie County | 250,000 1,450,000 |
| Total appropriation for Section 2 | | \$750,000 \$4,500,000 |

1. The project shall be funded from water development account III only if the legislation to create the account is enacted by the Fifty-Eighth Legislature during the 2005 General Session. If water development account III is not created, then the project shall be funded from water development account I.

2. The Sweetwater River Watershed Plan shall be funded only if the Wyoming water development commission and the project sponsor agree to a scope of services before commencing a Level I study.

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

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 1, 2006, 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 2006 legislative session.

[LEVEL I RECONNAISSANCE STUDIES -
REHABILITATION]

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|--|--------------------|--------------------------------------|
| Crowheart/Dinwoody Delivery | Fremont County | 150,000 |
| <u>Urban/Rural Sprawl Research Project</u> | <u>Statewide</u> | <u>150,000</u> |
| <u>Willwood I.D. Master Plan</u> | <u>Park County</u> | <u>50,000</u> |
| Total appropriation for Section 3 | | <u>\$150,000</u> <u>\$350,000</u> |

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

ORIGINAL HOUSE
 BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
 2005 GENERAL SESSION

other project listed in this section. Appropriated funds not expended prior to July 1, 2006, 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 2006 legislative session.

[LEVEL II FEASIBILITY STUDIES - NEW DEVELOPMENT]

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|---|-----------------------------|----------------------|
| Albin Well & Water Supply | Laramie County | \$140,000 |
| <u>Alpine Master Plan Update</u> | <u>Lincoln County</u> | <u>75,000</u> |
| Alta Test Well | Teton County | 65,000 |
| Baggs Water & Raw Water Supply | Carbon County | 50,000 |
| <u>Big Horn Regional Ground Water</u> | <u>Big Horn, Washakie,</u> | <u>1,500,000</u> |
| | <u>Hot Springs Counties</u> | |
| <u>Boulter Lake Enlargement 3.</u> | <u>Sublette County</u> | <u>75,000</u> |
| <u>Bridger Valley Reservoir Storage</u> | <u>Uinta County</u> | <u>100,000</u> |
| <u>Phase II</u> | | |
| <u>Burlington Regional Master Plan</u> | <u>Big Horn County</u> | <u>75,000</u> |
| Canyon Water Supply 2. | Weston County | 600,000 |
| Cheyenne Belvoir Ranch | Laramie County | 350,000 |
| <u>Cokeville Reservoir Storage 3.</u> | <u>Lincoln County</u> | <u>150,000</u> |
| <u>Cottonwood Lake Enlargement 3.</u> | <u>Lincoln County</u> | <u>100,000</u> |
| Dubois Water Supply, Phase 2 | Fremont County | 400,000 |
| Eight Mile-High Plains Well, | Campbell County | 60,000 |
| <u>Phase 2</u> | | <u>510,000</u> |
| Encampment Sierra Madre Well | Carbon County | 250,000 |
| Evanston/Bear River Regional | Uinta County | 70,000 |
| Glenrock Well & Tank | Converse County | 600,000 |
| Hyattville Water Supply 1. | Big Horn County | 600,000 |
| <u>Kaycee Well & Storage</u> | <u>Johnson County</u> | <u>650,000</u> |
| <u>Lander Paleozoic Well</u> | <u>Fremont County</u> | <u>425,000</u> |
| <u>Laramie Water Management Study</u> | <u>Albany County</u> | <u>330,000</u> |
| <u>LeClair/Riverton Valley Storage 3.</u> | <u>Fremont County</u> | <u>250,000</u> |
| Northern Arapaho Groundwater | Fremont County | 700,000 |
| <u>Owl Creek I.D. Storage Supply 3.</u> | <u>Hot Springs County</u> | <u>200,000</u> |
| Pine Bluffs Lance/Fox Well | Laramie County | 475,000 |
| <u>Rawlins Raw Water Storage 3.</u> | <u>Carbon County</u> | <u>150,000</u> |
| Saratoga Test Well | Carbon County | 160,000 |
| | | <u>185,000</u> |
| Ray Lake Enlargement <u>3.</u> | Fremont County | 100,000 |

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

| | | |
|-------------------------------------|----------------------------|---------------------|
| Shoshone Groundwater Development | Fremont County | 850,000 |
| <u>Upper Green River Storage 3.</u> | <u>Sublette County</u> | <u>175,000</u> |
| <u>Viva Naughton Enlargement 3.</u> | <u>Lincoln County</u> | <u>300,000</u> |
| Weather Modification Study | Western Wyoming | <u>100,000</u> |
| | | <u>200,000</u> |
| <u>Weather Modification Study,</u> | <u>Western & South</u> | <u>8,825,000</u> |
| <u>Phase 2, 4.</u> | <u>Central Wyoming</u> | |
| Hold Projects* | Statewide | 15,000 |
| Total appropriation for Section 4 | | <u>\$5,585,000</u> |
| | | <u>\$19,540,000</u> |

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

2. If the project progresses through construction, the Canyon Improvement and Service District shall be required to connect to the Salt Creek Water District System.

3. The project shall be funded from water development account III only if the legislation to create the account is enacted by the Fifty-Eighth Legislature during the 2005 General Session. If water development account III is not created, then the project shall be funded from water development account I.

4. The funds appropriated for this project shall not revert to water development account I until July 1, 2011.

*Hold projects include: Blackwillow, Rock Springs East and Bridger Valley Water Supply Projects, Cheyenne Hydropower, Crow Creek Groundwater Recharge, Goshen Reregulating Reservoir, Greybull Valley Hydropower, 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

ORIGINAL HOUSE
 BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
 2005 GENERAL SESSION

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, 2006, 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 2006 legislative session.

[LEVEL II FEASIBILITY STUDIES - REHABILITATION]

| <u>PROJECT</u> | <u>LOCATION</u> | <u>APPROPRIATION</u> |
|--|------------------------------------|-------------------------------------|
| <u>Big Horn Canal Rehabilitation</u> | <u>Washakie, Big Horn Counties</u> | <u>\$150,000</u> |
| <u>Big Valley & Crossed Arrow Water Supply</u> | <u>Park County</u> | <u>75,000</u> |
| <u>Cody Canal I.D. Rehabilitation & Hydro</u> | <u>Park County</u> | <u>250,000</u> |
| <u>Frannie Well Rehabilitation</u> | <u>Big Horn, Park Counties</u> | <u>65,000</u> |
| Greybull Wells Rehabilitation | Big Horn County | \$475,000 |
| Green River Canal PAM Study | Sweetwater County | 40,000 |
| Heart Mountain Screens | Park County | 100,000 |
| Kennington Springs 1. | Lincoln County | 100,000 |
| Lake DeSmet Master Plan-Phase 2 | Johnson County | 150,000 |
| Mead Creek Ditch 1. | Sheridan County | 75,000 |
| <u>Owl Creek I.D. Conservation Study</u> | <u>Hot Springs County</u> | <u>100,000</u> |
| <u>Riverton Mountain View</u> | <u>Fremont County</u> | <u>300,000</u> |
| <u>Sheridan/Veterans Center</u> | <u>Sheridan County</u> | <u>75,000</u> |
| <u>Thermopolis Storage & Raw Water</u> | <u>Hot Springs County</u> | <u>175,000</u> |
| Worland Wells Flow Test | Washakie County | 40,000 <u>165,000</u> |
| Midvale Sand Gulch | Fremont County | 75,000 |
| Wagoner/Cherokee ID-Phase 2 | Carbon County | 35,000 |
| Washam Water Supply 2. | Sweetwater County | 40,000 |
| <u>Wheatland I.D. Conservation</u> | <u>Platte County</u> | <u>100,000</u> |
| <u>Worland Area Irrigated Land GIS</u> | <u>Washakie County</u> | <u>200,000</u> |

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

Total appropriation for Section 5 \$1,130,000
\$2,745,000

1. The project sponsor shall first form a public entity prior to the commencement of the study.
2. If the project advances to a Level III construction phase, one-half (1/2) of the cost of the Level II study shall be repaid to the commission.

Section 7. Dam and reservoir section.

(a) There is created within the Wyoming water development office the dam and reservoir section. The section shall be limited to the administration of Level I and Level II study projects and other assignments that encourage the enlargement of existing dams and reservoirs or the construction of new dams and reservoirs.

(b) Five hundred twenty-six thousand dollars (\$526,000.00) is appropriated from water development account I to the Wyoming water development office, and the office is authorized four (4) full-time positions including a hydrologist, an operations and maintenance engineer for state-owned and operated dam and reservoir facilities, a National Environmental Policy Act analyst and a scientist.

(c) Beginning with the 2007-2008 biennium, the positions and expenses necessary to provide dam and reservoir and National Environmental Policy Act technical assistance and to operate the dam and reservoir section shall be included in the standard budget of the Wyoming water development office.

Section 8. Selenium control and conservation measures. The legislature hereby approves the continuing

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

expenditure of funds appropriated in the 2003-2004 Pathfinder mitigation activities for construction of selenium control and conservation measures in the amount as described in the contract between Casper Alcova irrigation district, the Wyoming attorney general's office and the Wyoming water development office executed on March 12, 2004.

Section 9. Contingent upon the availability of matching funds from the United States Department of Interior, Bureau of Reclamation, 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 years 2005 and 2006.

Section 7-10. 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.

Section 2. W.S. 41-2-119(a) and (b) (intro) is amended to read:

41-2-119. Groundwater studies.

(a) The Wyoming water development commission may grant not to exceed ~~four million five hundred thousand dollars (\$4,500,000.00)~~ five million five hundred thousand dollars (\$5,500,000.00) 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 four hundred thousand dollars (\$400,000.00) for any one (1) exploration

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

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 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 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:

ORIGINAL HOUSE
BILL NO. 0141

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

Section 3. 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