

Instream Flows in Wyoming and the Wind/Bighorn Basin

Wind/Bighorn Basin Advisory Group Meeting
April 25, 2012

Prepared By:



THE STATE OF WYOMING

Water Development Office

Dave K. Myer

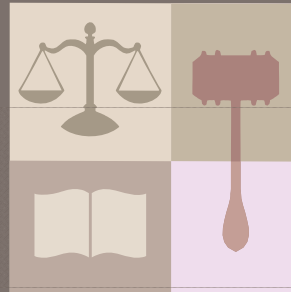
Instream Flows in Wyoming and the Wind/Bighorn Basin

TOPICS OF DISCUSSION:

1. Overview of Instream Flows in Wyoming
2. Instream Flow Filings in the Wind/Bighorn Basin
3. Instream Flow Filings in the East Fork Wind River Area



Wyoming's Instream Flow Law

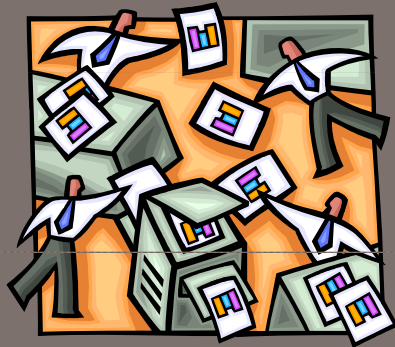


- Instream flow is considered a beneficial use of water
- Only the State can own an instream flow right
- Source can come from direct flow or storage
- Water is available after leaving the instream flow segment

1.0 Overview of Instream Flows in Wyoming

Coordinating Agencies

- Wyoming Game and Fish Department
- Wyoming Water Development Office
- State Engineer's Office



1.0 Overview of Instream Flows in Wyoming



Wyoming Statutes

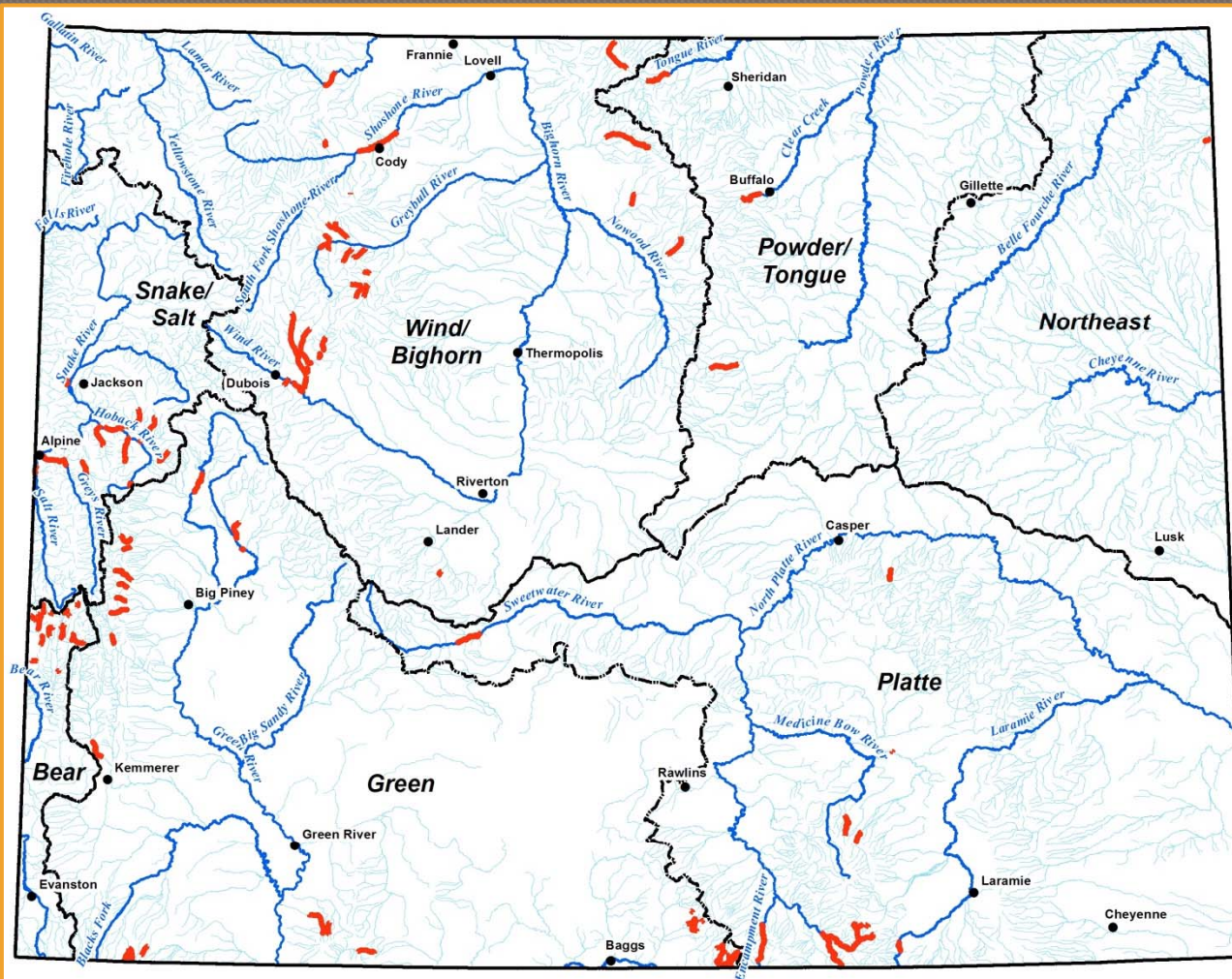
- W.S. 41-3-1003 (b)
 - “The Game and Fish Commission shall identify the points on the stream...the time of year when the flows are most critical...the minimum amount of water necessary...”
- W.S. 41-3-1003 (c)
 - “The Water Development Commission shall file applications in the name of the State of Wyoming...”
- W.S. 41-3-1004 (a)
 - “...the Water Development Commission shall determine the feasibility of providing instream flows...”
- Approval
 - The State Engineer’s Office decides on the quantity and timing of the water right which is then subject to proof and adjudication by the Board of Control.

1.0 Overview of Instream Flows in Wyoming

Stages of an Instream Flow Filing

1 IDENTIFICATION STAGE	WGFD <u>identifies</u> stream segments, conducts <u>Biological Study</u> , determines <u>flow rates</u> , and completes <u>application</u>
2 APPLICATION STAGE	WWDO <u>files application</u> to SEO and conducts <u>Hydrologic Study</u> . SEO assigns <u>Temporary Filing Number</u>
3 SEO REVIEW STAGE	SEO holds <u>public hearing</u> ; <u>reviews application</u> and Biological & Hydrologic Studies. SEO assigns <u>Permit Number</u> if application is approved
4 BOC REVIEW STAGE	BOC reviews application package and conducts <u>flow measurements</u> . Submits <u>Proof and/or Elimination Form</u> to WWDO
5 ADJUDICATION STAGE	BOC issues <u>public notice</u> and holds public hearing (if public protest). BOC amends, denies, or <u>awards adjudication</u>

1.0 Overview of Instream Flows in Wyoming

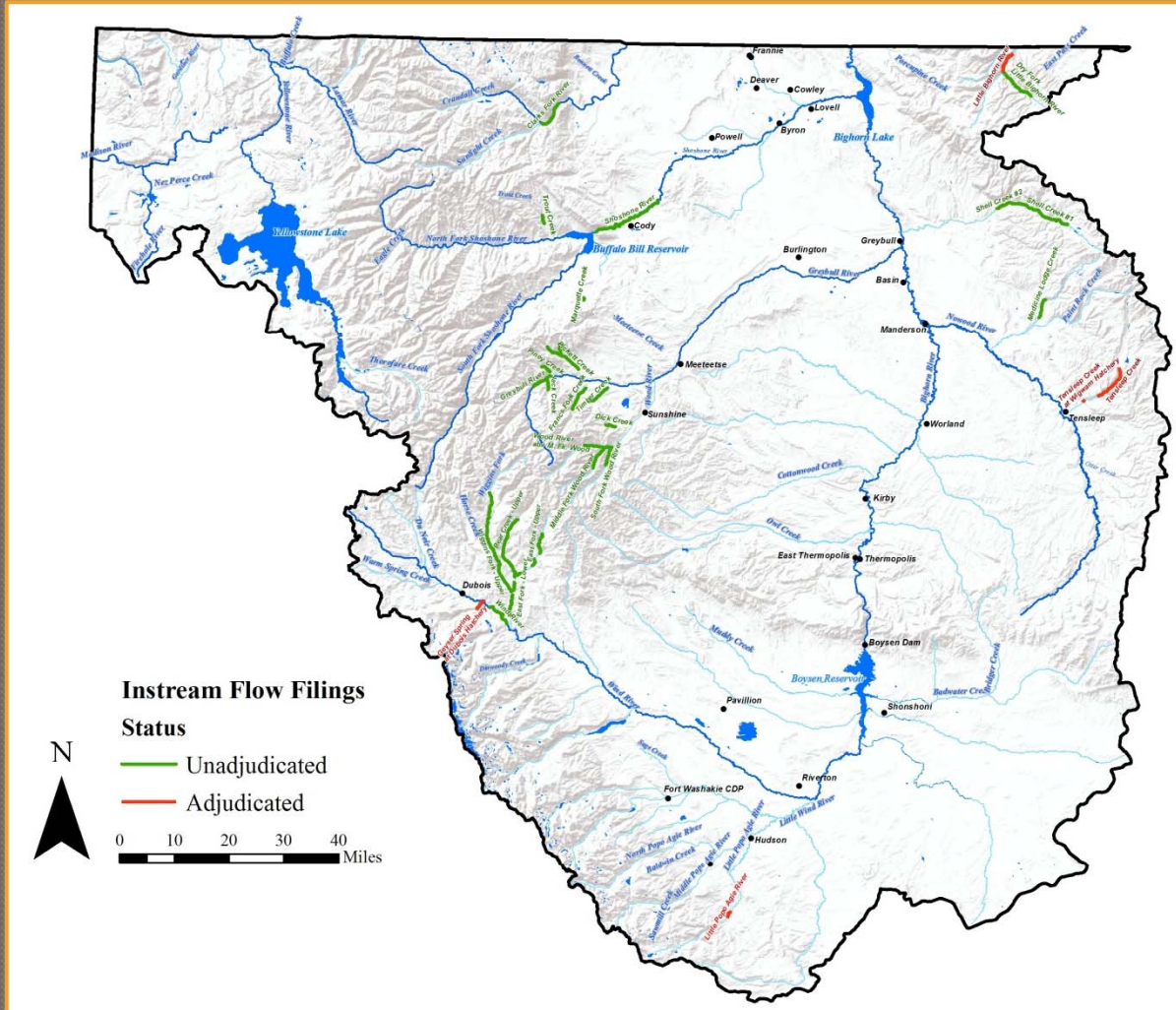


Instream Flow Filings in Wyoming

- 125 Total Segments:
 - 13 Adjudicated
- Segment Lengths:
 - Range from 0.1 to 22 miles
 - Average length = 4 miles

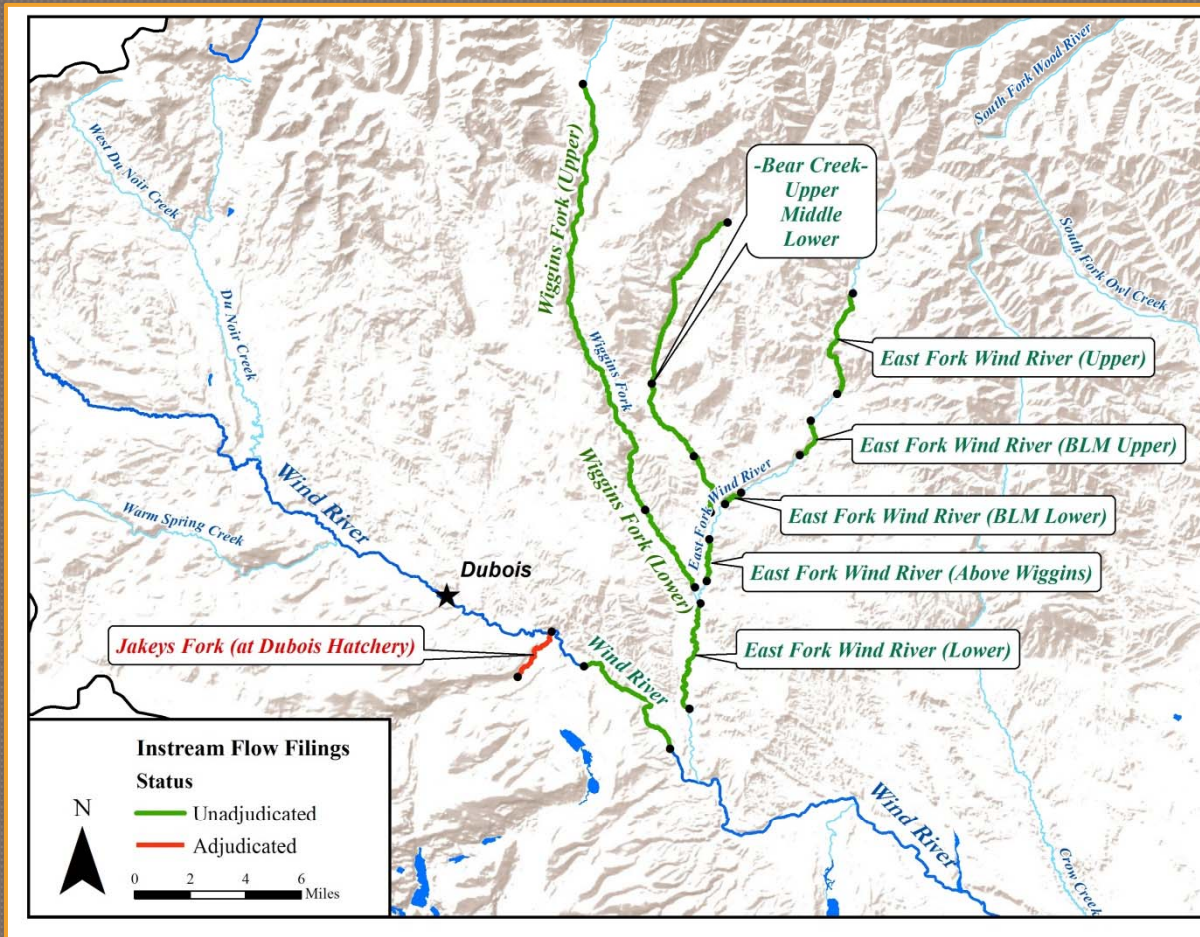
Instream Flow Filings in the Wind/Bighorn Basin

- 35 Total Segments:
 - 5 Adjudicated
 - 2 BOC Petitioned
 - 18 Approved or Other
 - 10 Application Stage (East Fork Wind River)



Instream Flow Filings in the East Fork Wind River Area

- 10 Total Segments:



3.0 Instream Flow Filings in the East Fork Wind River Area



Bear Creek Middle Segment
TFN 35 3/20
3.5 Miles



Wiggins Fork Lower Segment
TFN 35 1/20
3.7 Miles



Bear Creek Lower Segment
TFN 35 4/20
2.6 Miles



East Fork BLM Lower Segment
TFN 35 1/21
0.9 Miles



Bear Creek Upper Segment
TFN 35 2/20
7.1 Miles



East Fork BLM Upper Segment
TFN 35 6/20
1.8 Miles

EAST FORK WIND RIVER AREA
10 TOTAL SEGMENTS ON 3 RIVER REACHES

- BEAR CREEK
- WIGGINS FORK
- EAST FORK



Wiggins Fork Upper Segment
TFN 35 6/19
17.6 Miles



East Fork Above Wiggins Segment
TFN 35 2/21
1.6 Miles



East Fork Upper Segment
TFN 35 5/20
5.1 Miles



East Fork Lower Segment
TFN 35 5/19
4.6 Miles

3.0 Instream Flow Filings in the East Fork Wind River Area

Status

Form S.W. 1
Rev. 8/2008

NOTE: Do not fill this form. Use typewriter or print neatly with black ink.

STATE OF WYOMING
OFFICE OF THE STATE ENGINEER
APPLICATION FOR PERMIT TO APPROPRIATE SURFACE WATER

THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT

Filing/Priority Date _____

THE STATE OF WYOMING }
STATE ENGINEER'S OFFICE } SS.

This instrument was received and filed for record on the _____ day of 12-21-09,
20____ at _____ o'clock _____ M.

Recorded in Book _____ of Ditch Permits, on Page _____ State Engineer

Fee Paid \$ _____ Map Filed _____

WATER DIVISION NO. _____ DISTRICT NO. _____ TEMPORARY FILING NO. 35 2/20

PERMIT NO. _____

NAME OF FACILITY BEAR CREEK UPPER SEGMENT

1. Name(s), mailing address and phone no. of applicant(s) (owner, developer, contractor, etc.)
6920 YELLOWTAIL ROAD, CHEYENNE, WY 82009

2. Name & address of the State Engineer and Fish Commission
STATE ENGINEER'S OFFICE, 1000 N. G. WYOMING, CHEYENNE, WY 82002

3. (a) The use to which the water is to be applied is STREAM FLOW
(b) If more than one use is shown, the location and ownership of the point of use must be shown in item 10 of the application and the facility used to divert and convey the appropriation must be shown on the map in sufficient detail to allow the State Engineer to establish the amount of appropriation. In multiple use applications, stock and domestic purposes are limited to 0.050 cfs.

4. The source of the water appropriated is BEAR CREEK, TRIS EAST FORK WIND RIVER, TRIS WIND RIVER

SECTION OF INSTREAM FLOW IS FROM

5. The point of diversion of the proposed works to be located
 Section: 34 corner of Section 34 T. 44 N. R. 105 W. 6TH PH
 (SW) NE: 34 corner of Section 31 T. 43 N. R. 105 W. 6TH PH
 Lot _____ Block _____ Subdivision Name _____
 Latitude (Decimal Degrees) 43-38-58.94206N Longitude (Decimal Degrees) 109-26-54.600W
 START END 143-1105 SECTIONS 30, 19, 20, 17, 8, 5, 4 - FEDERAL 109-30-01.00099W NAD 83
144-1105 SECTIONS 33, 34 - FEDERAL

6. Are any of the lands owned by the proposed facility owned by the State or Federal government? If so, describe lands and indicate whether State or Federal owned.
143-1105 SECTIONS 30, 19, 20, 17, 8, 5, 4 - FEDERAL
144-1105 SECTIONS 33, 34 - FEDERAL

7. The carrying capacity of the ditch, canal, pipeline or other facility at the point of diversion is N/A cubic feet per second (c.f.s.)

8. The accompanying map is prepared in accordance with the State Engineer's Rules and Regulations for filing applications and is hereby declared a part of this application. The State Engineer may require the filing of detailed construction plans.

9. The estimated time required for the completion of construction is 30 DAYS and to complete the application of water to the beneficial uses stated in this application is 30 DAYS FROM ISSUE

Person No. _____ Page No. ELABE B1043

Application Stage

- Application received by WWDO from WGFD
- Application submitted to SEO from WWDO
- Filing fee paid by WGFD (\$50)
- Temporary Filing Number assigned
- Hydrologic Study in progress by WWDO
- Hydrologic Study completed and submitted to SEO from WWDO

SEO Review Stage

- Public hearing held by SEO
- Application amended by SEO
- Application approved and Permit Number assigned by SEO
- Application rejected by SEO

BOC Review Stage

- Proof submitted to WWDO from BOC
- WWDO Director signed
- Recording fee paid by WGFD (\$20)
- Proof and Elimination Form submitted to WWDO from BOC
- Copy sent to WGFD from WWDO
- Revised Proof and Elimination Form submitted to WWDO from BOC
- WWDO Director signed
- Recording fee paid by WGFD (\$20)

Adjudication Stage

- Public notice issued by BOC
- Hearing held by BOC (if public protest)
- Permit and Adjudication amended by BOC
- Adjudication awarded by BOC
- Adjudication denied by BOC

ADJUDICATED

Application Stage

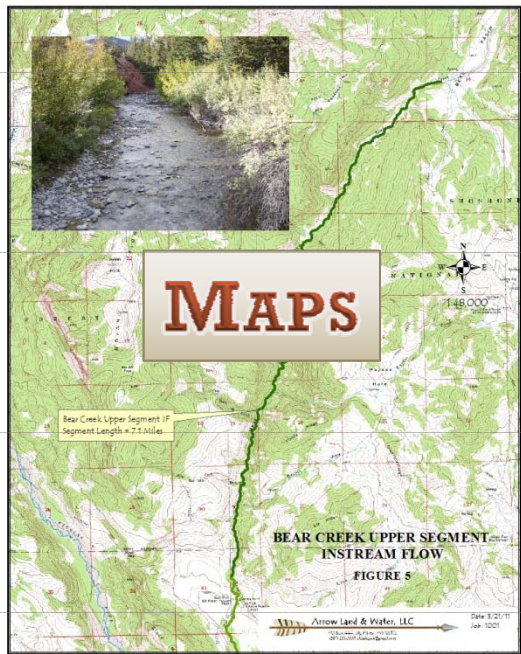
- Hydrologic Study in progress by WWDO

Key Components of Hydrologic Study:

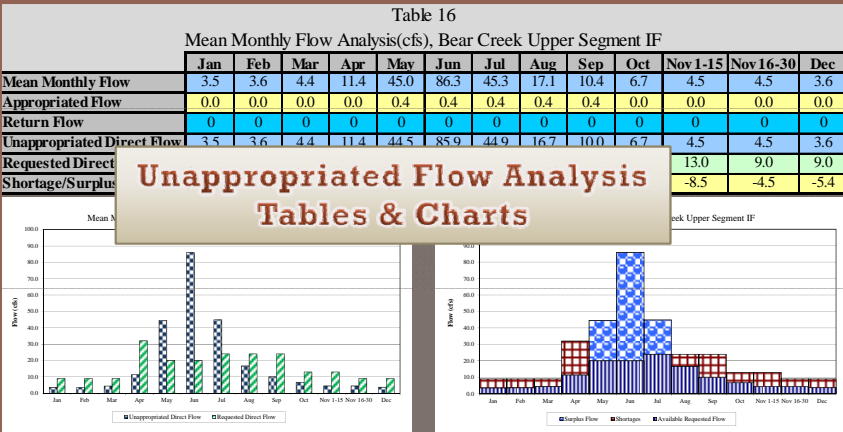
- Water Rights Inventory
- Flow, Diversions, and Storage Records
- Hydrology Analysis
- Unappropriated Flow Analysis
- Flow Exceedance Analysis

3.0 Instream Flow Filings in the East Fork Wind River Area

What's in the Hydrologic Study?



Permit Number	Facility Name	Priority	Acres	cfs	Tributary	Notes
P1771D	North Fork Ditch	3/9/1898	245.40	3.51	North Fork Big Wind River	changed to Wiggins Fork Ditch
P7672D	McKissock Ditch	3/4/1907	65.00	0.93	East Fork North Fork Big Wind River	
P7864D	Alkali Ditch	5/11/1907	95.00	1.36	East Fork North Fork Big Wind River	
P8482D	Mosle Ditch	6/10/1908	245.33	3.50	East Fork North Fork Big Wind River	
TABULATED WATER RIGHTS INVENTORY (UPSTREAM FROM THE DOWNSTREAM END OF EACH SEGMENT)						
	Campbell Ditch	7/3/1868	4.70	20.21 (ac-ft)	East Fork North Fork Big Wind River	Shoshone/Arapahoe (ac-ft)
	McKissock Ditch	7/3/1868	5.30	22.79 (ac-ft)	East Fork North Fork Big Wind River	Shoshone/Arapahoe (ac-ft)
	Mosle Ditch	7/3/1868	22.00	96(ac-ft)	East Fork North Fork Big Wind River	Shoshone/Arapahoe (ac-ft)
P5695D	East Fork Ditch	10/8/1903	145.00	2.07	East Fork North Fork Big Wind River	

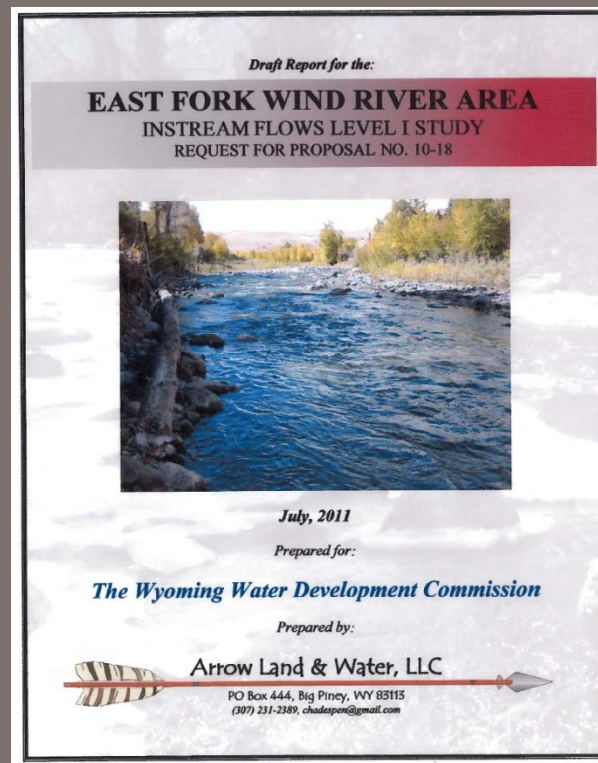


3.0 Instream Flow Filings in the East Fork Wind River Area

What Happens Next?

Final Report Due June, 2012

- Consultant conducting final round of flow measurements late spring
- Upon completion, WWDO will forward to State Engineer's Office



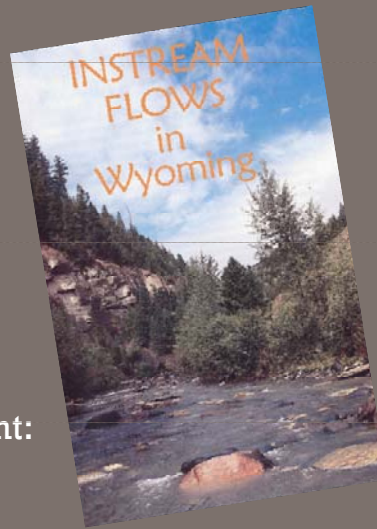
State Engineer's Office:

- Hold public hearing
- Approve application
- Assign Permit Number
- Forward to Board of Control for Proof

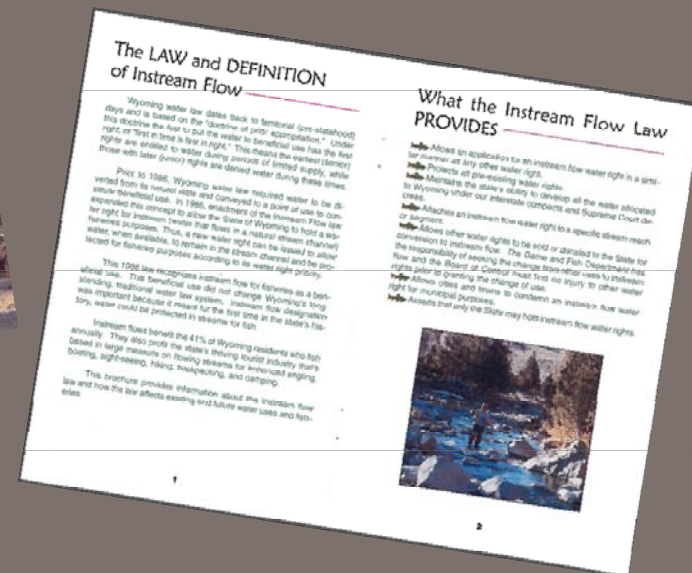
Additional Information?



- Wyoming State Engineer's Office:
777-6475
<http://seo.state.wy.us>
- Wyoming Game and Fish Department:
777-4559
<http://wgfd.state.wy.us>
- Wyoming Water Development Office:
777-7626
<http://wwdc.state.wy.us>



PAMPHLET AVAILABLE



Instream Flows in Wyoming and the Wind/Bighorn Basin

Thanks for your Attention.
Questions?

Prepared By:

THE STATE OF WYOMING



Water Development Office

Dave K. Myer





Instream Flows in Wyoming and the Wind/Bighorn Basin

- Wyoming State Engineer's Office:
777-6475
<http://seo.state.wy.us>
- Wyoming Game and Fish Department:
777-4559
<http://wgfd.wyo.gov>
- Wyoming Water Development Office:
777-7626
<http://wwdc.state.wy.us>