

HOUSE BILL NO. HB0044

Omnibus water bill - construction.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to water development projects; authorizing
2 construction of designated water projects; describing
3 projects; specifying terms and conditions of funding for
4 projects; providing grants; providing appropriations;
5 amending the sponsor's contingency fund; amending project
6 descriptions, amounts and terms of appropriations for
7 specified prior projects; transferring funds from water
8 development account I to water development account II;
9 transferring funds and a project; and providing for an
10 effective date.

11

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

13

14 **Section 1.** W.S. 99-3-2601 through 99-3-2604 are
15 created to read:

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ARTICLE 26

2021 CONSTRUCTION PROJECTS

99-3-2601. Definitions.

The definitions in W.S. 99-3-101 apply to this article.

99-3-2602. General authorization.

The provisions of W.S. 99-3-102 apply to this article.

99-3-2603. Level III construction projects - new development.

(a) Authorization is granted for the Level III new development construction projects identified in this section subject to the general conditions specified in W.S. 99-3-103, provided that W.S. 99-3-103(a)(iii) shall not apply to the projects identified in this section unless required by W.S. 41-2-121.

(b) Project - Cloud Seeding Medicine Bow Mountains 2021-2022:

1 (i) Project sponsor: The state of Wyoming;

2

3 (ii) Project purpose: To enhance the winter
4 snowpack in the Medicine Bow, Sierra Madre and Laramie
5 Mountain Ranges;

6

7 (iii) Project description: Conduct an
8 operational winter snowpack augmentation program during the
9 2021-2022 fall, winter and spring seasons;

10

11 (iv) Total project budget: Seven hundred
12 seventy-eight thousand dollars (\$778,000.00);

13

14 (v) Appropriation: There is appropriated from
15 water development account I to the Wyoming water
16 development office seven hundred twenty-eight thousand
17 dollars (\$728,000.00) or as much thereof as is necessary to
18 carry out the purpose of this subsection. Unexpended funds
19 appropriated under this subsection shall revert to water
20 development account I on July 1, 2023;

21

22 (vi) Special conditions:

23

1 (A) The Wyoming water development office
2 shall acquire funding commitments from Wyoming water users
3 or other interested parties for operational costs which
4 exceed project appropriation;

5
6 (B) The Wyoming water development office is
7 authorized to enter into contracts with Colorado
8 organizations to extend aerial weather modification efforts
9 into Colorado provided these organizations pay one hundred
10 percent (100%) of the additional costs associated with
11 operations in Colorado.

12

13 (c) Project - Cloud Seeding Wind River Mountains
14 2021-2022:

15

16 (i) Project sponsor: The state of Wyoming;

17

18 (ii) Project purpose: To enhance the winter
19 snowpack in the Wind River Mountain Range;

20

21 (iii) Project description: Conduct an
22 operational winter snowpack augmentation program during the
23 2021-2022 fall, winter and spring seasons;

1

2 (iv) Total project budget: Five hundred
3 seventy-one thousand dollars (\$571,000.00);

4

5 (v) Appropriation: There is appropriated from
6 water development account I to the Wyoming water
7 development office two hundred fifteen thousand dollars
8 (\$215,000.00) or as much thereof as is necessary to carry
9 out the purpose of this subsection. Unexpended funds
10 appropriated under this subsection shall revert to water
11 development account I on July 1, 2023;

12

13 (vi) Special conditions:

14

15 (A) The state of Wyoming shall participate
16 at a rate up to thirty-seven percent (37%) of actual
17 project operations costs not to exceed two hundred ten
18 thousand dollars (\$210,000.00);

19

20 (B) Prior to commencing project operations,
21 the Wyoming water development office shall acquire funding
22 commitments from other Colorado River basin water users or

1 other interested parties for a minimum of sixty-three
2 percent (63%) of actual project operations costs;

3

4 (C) If the project is cancelled, the
5 Wyoming water development office is authorized to use the
6 appropriated funds to remove weather modification equipment
7 and reclaim project sites.

8

9 (d) Project - Lander Well and Transmission Pipeline
10 2021:

11

12 (i) Project sponsor: City of Lander;

13

14 (ii) Project purpose: Municipal and rural
15 domestic water supply;

16

17 (iii) Project description: Design and
18 construction of well connections, pumping facilities,
19 transmission pipelines and appurtenances necessary to make
20 the project function in the manner intended;

21

22 (iv) Total project budget: One million three
23 hundred twenty thousand dollars (\$1,320,000.00);

1

2 (v) Project grant: The state of Wyoming shall
3 grant to the sponsor from water development account I
4 through the commission for the design, permit procurement,
5 project land procurement, construction engineering and
6 construction of the project an amount not to exceed eight
7 hundred eighty-four thousand four hundred dollars
8 (\$884,400.00) or sixty-seven percent (67%) of the actual
9 development costs, whichever is less;

10

11 (vi) Appropriation: There is appropriated from
12 water development account I to the commission eight hundred
13 eighty-four thousand four hundred dollars (\$884,400.00) or
14 as much thereof as is necessary to carry out the purpose of
15 this subsection. Unexpended funds appropriated under this
16 subsection shall revert to water development account I on
17 July 1, 2026;

18

19 (vii) Special conditions: The sponsor is
20 responsible for acquiring thirty-three percent (33%) of the
21 total project budget from other sources.

22

1 (e) Project - Northwest Rural Water System
2 Improvements 2021:

3

4 (i) Project sponsor: Northwest Rural Water
5 District;

6

7 (ii) Project purpose: Municipal and rural
8 domestic water supply;

9

10 (iii) Project description: Design and
11 construction of pumping facility upgrades, storage tanks
12 and transmission pipelines and appurtenances necessary to
13 make the project function in the manner intended;

14

15 (iv) Total project budget: Two million one
16 hundred ten thousand dollars (\$2,110,000.00);

17

18 (v) Project grant: The state of Wyoming shall
19 grant to the sponsor from water development account I
20 through the commission for the design, permit procurement,
21 project land procurement, construction engineering and
22 construction of the project an amount not to exceed one
23 million four hundred thirteen thousand seven hundred

1 dollars (\$1,413,700.00) or sixty-seven percent (67%) of the
2 actual development costs, whichever is less;

3

4 (vi) Appropriation: There is appropriated from
5 water development account I to the commission one million
6 four hundred thirteen thousand seven hundred dollars
7 (\$1,413,700.00) or as much thereof as is necessary to carry
8 out the purpose of this subsection. Unexpended funds
9 appropriated under this subsection shall revert to water
10 development account I on July 1, 2026;

11

12 (vii) Special conditions: The sponsor is
13 responsible for acquiring thirty-three percent (33%) of the
14 total project budget from other sources.

15

16 (f) Project - Torrington Well Connection 2021:

17

18 (i) Project sponsor: City of Torrington;

19

20 (ii) Project purpose: Municipal and rural
21 domestic water supply;

22

1 (iii) Project description: Design and
2 construction of a well connection, pumping facilities,
3 transmission pipelines and appurtenances necessary to make
4 the project function in the manner intended;

5

6 (iv) Total project budget: Five hundred
7 eighty-one thousand dollars (\$581,000.00);

8

9 (v) Project grant: The state of Wyoming shall
10 grant to the sponsor from water development account I
11 through the commission for the design, permit procurement,
12 project land procurement, construction engineering and
13 construction of the project an amount not to exceed three
14 hundred eighty-nine thousand two hundred seventy dollars
15 (\$389,270.00) or sixty-seven percent (67%) of the actual
16 development costs, whichever is less;

17

18 (vi) Appropriation: There is appropriated from
19 water development account I to the commission three hundred
20 eighty-nine thousand two hundred seventy dollars
21 (\$389,270.00) or as much thereof as is necessary to carry
22 out the purpose of this subsection. Unexpended funds

1 appropriated under this subsection shall revert to water
2 development account I on July 1, 2026;

3

4 (vii) Special conditions: The sponsor is
5 responsible for acquiring thirty-three percent (33%) of the
6 total project budget from other sources.

7

8 **99-3-2604. Level III construction projects -**
9 **rehabilitation.**

10

11 (a) Authorization is granted for the Level III
12 rehabilitation construction projects identified in this
13 section subject to the general conditions specified in W.S.
14 99-3-104, provided that W.S. 99-3-104(a)(iii) shall not
15 apply to the projects identified in this section unless
16 required by W.S. 41-2-121.

17

18 (b) Project - Interstate Irrigation and Reservoir
19 Irrigation District Improvements 2021:

20

21 (i) Project sponsor: Interstate Irrigation and
22 Reservoir Irrigation District Improvements;

23

1 (ii) Project purpose: Agricultural water supply;

2

3 (iii) Project description: Design and
4 construction of pipelines and appurtenances necessary to
5 make the project function in the manner intended;

6

7 (iv) Total project budget: Four million two
8 hundred twenty thousand dollars (\$4,220,000.00);

9

10 (v) Project grant: The state of Wyoming shall
11 grant to the sponsor from water development account II
12 through the commission for the design, permit procurement,
13 project land procurement, construction engineering and
14 construction of the project an amount not to exceed two
15 million eight hundred twenty-seven thousand four hundred
16 dollars (\$2,827,400.00) or sixty-seven percent (67%) of the
17 actual development costs, whichever is less;

18

19 (vi) Appropriation: There is appropriated from
20 water development account II to the commission two million
21 eight hundred twenty-seven thousand four hundred dollars
22 (\$2,827,400.00) or as much thereof as is necessary to carry
23 out the purpose of this subsection. Unexpended funds

1 appropriated under this subsection shall revert to water
2 development account II on July 1, 2026;

3

4 (vii) Special Conditions: The sponsor is
5 responsible for acquiring thirty-three percent (33%) of the
6 total project budget from other sources.

7

8 (c) Project - Salt Creek Transmission Pipeline 2021:

9

10 (i) Project sponsor: Salt Creek Joint Powers
11 Board;

12

13 (ii) Project purpose: Municipal and rural
14 domestic water supply;

15

16 (iii) Project description: Design and
17 construction of replacement transmission pipelines and
18 appurtenances necessary to make the project function in the
19 manner intended;

20

21 (iv) Total project budget: Ten million nine
22 hundred twenty thousand dollars (\$10,920,000.00);

1

2 (v) Project grant: The state of Wyoming shall
3 grant to the sponsor from water development account II
4 through the commission for the design, permit procurement,
5 project land procurement, construction engineering and
6 construction of the project an amount not to exceed seven
7 million three hundred sixteen thousand four hundred dollars
8 (\$7,316,400.00) or sixty-seven percent (67%) of the actual
9 development costs, whichever is less;

10

11 (vi) Appropriation: There is appropriated from
12 water development account II to the commission seven
13 million three hundred sixteen thousand four hundred dollars
14 (\$7,316,400.00) or as much thereof as is necessary to carry
15 out the purpose of this subsection. Unexpended funds
16 appropriated under this subsection shall revert to water
17 development account II on July 1, 2026;

18

19 (vii) Special Conditions:

20

1 (A) The sponsor is responsible for
2 acquiring thirty-three percent (33%) of the total project
3 budget from other sources;

4

5 (B) The appropriation of funds for this
6 project is contingent upon the transfer of funds to water
7 development account II as described in section 3 of this
8 act.

9

10 (d) Project - Shoshone Irrigation District
11 Improvements 2021:

12

13 (i) Project sponsor: Shoshone Irrigation
14 District;

15

16 (ii) Project purpose: Agricultural water supply;

17

18 (iii) Project description: Design and
19 construction of lateral pipelines, structures and
20 appurtenances necessary to make the project function in the
21 manner intended;

22

1 (iv) Total project budget: Four hundred
2 seventy-seven thousand five hundred dollars (\$477,500.00);

3

4 (v) Project grant: The state of Wyoming shall
5 grant to the sponsor from water development account II
6 through the commission for the purchase of project
7 materials as supported by vendor invoices and as approved
8 by the commission an amount not to exceed two hundred forty
9 thousand dollars (\$240,000.00) or one hundred percent
10 (100%) of the approved materials costs, whichever is less;

11

12 (vi) Appropriation: There is appropriated from
13 water development account II to the commission two hundred
14 forty thousand dollars (\$240,000.00) or as much thereof as
15 is necessary to carry out the purpose of this subsection.
16 Unexpended funds appropriated under this subsection shall
17 revert to water development account II on July 1, 2026;

18

19 (vii) Special conditions:

20

21 (A) The sponsor is responsible for all
22 project costs with the exception of the purchase of project

1 materials as supported by vendor invoices and as approved
2 by the commission;

3

4 (B) The sponsor is responsible for
5 retaining professional engineering services to design the
6 project, compile materials and bidding documents and
7 monitor construction activities including the installation
8 of project components and the tracking of project
9 expenditures;

10

11 (C) The appropriation of funds for this
12 project is contingent upon the transfer of funds to water
13 development account II as described in section 3 of this
14 act.

15

16 (e) Project - Sidon Irrigation District
17 Rehabilitation 2021:

18

19 (i) Project sponsor: Sidon Irrigation District;

20

21 (ii) Project purpose: Agricultural water supply;

22

1 (iii) Project description: Design and
2 construction of structures, gates and appurtenances
3 necessary to make the project function in the manner
4 intended;

5

6 (iv) Total project budget: Seven hundred
7 fifty-five thousand four hundred seventy-five dollars
8 (\$755,475.00);

9

10 (v) Project grant: The state of Wyoming shall
11 grant to the sponsor from water development account II
12 through the commission for the purchase of project
13 materials as supported by vendor invoices and as approved
14 by the commission an amount not to exceed five hundred
15 seventy-six thousand dollars (\$576,000.00) or one hundred
16 percent (100%) of the approved materials costs, whichever
17 is less;

18

19 (vi) Appropriation: There is appropriated from
20 water development account II to the commission five hundred
21 seventy-six thousand dollars (\$576,000.00) or as much
22 thereof as is necessary to carry out the purpose of this

1 subsection. Unexpended funds appropriated under this
2 subsection shall revert to water development account II on
3 July 1, 2026;

4

5 (vii) Special conditions:

6

7 (A) The sponsor is responsible for all
8 project costs with the exception of the purchase of project
9 materials as supported by vendor invoices and as approved
10 by the commission;

11

12 (B) The sponsor is responsible for
13 retaining professional engineering services to design the
14 project, compile materials and bidding documents and
15 monitor construction activities including the installation
16 of project components and the tracking of project
17 expenditures.

18

19 **Section 2.** W.S. 99-3-1106(b)(iv) and (vii),
20 99-3-1503(g)(vi), 99-3-1903(k)(iv) through (vi), (viii)(F)
21 and by creating a new subparagraph (G), 99-3-1904 (m)(iv)
22 through (vi), (viii)(F) and by creating a new subparagraph

1 (G), 99-3-2103(b)(vi), 99-3-2503(m)(i) and 99-99-210(e) are
2 amended to read:

3

4 **99-3-1106. Sponsor's contingency funds.**

5

6 (b) Project - Sponsor's Contingency Fund -
7 Rehabilitation:

8

9 (iv) Total project budget: ~~Three million~~
10 ~~dollars (\$3,000,000.00)~~ Four million five hundred thousand
11 dollars (\$4,500,000.00);

12

13 (vii) Appropriation: There is appropriated from
14 water development account II to the commission ~~three~~
15 ~~million dollars (\$3,000,000.00)~~ four million five hundred
16 thousand dollars (\$4,500,000.00) or as much thereof as is
17 necessary to carry out the purpose of this subsection.
18 Unexpended funds appropriated under this subsection shall
19 revert to water development account II on July 1, ~~2025~~
20 2026; and

21

22 **99-3-1503. Level III construction projects - new**
23 **development.**

1

2 (g) Project - Ethete Water Supply:

3

4 (vi) Appropriation: There is appropriated from
5 water development account I to the commission two million
6 dollars (\$2,000,000.00) or as much thereof as is necessary
7 to carry out the purpose of this subsection. Unexpended
8 funds appropriated under this subsection shall revert to
9 water development account I on July 1, ~~2021-2023~~;

10

11 **99-3-1903. Level III construction projects - new**
12 **development.**

13

14 (k) Project - Small Water Development Projects -
15 2014:

16

17 (iv) Total project budget: ~~Eleven million three~~
18 ~~hundred twenty six thousand dollars (\$11,326,000.00)~~
19 Thirteen million three hundred twenty-six thousand dollars
20 (\$13,326,000.00);

21

22 (v) Project grant: The state of Wyoming shall
23 grant to sponsors from water development account I through

1 the commission for the design, permit procurement, project
2 land procurement, construction engineering and construction
3 of the project an amount not to exceed ~~five million six~~
4 ~~hundred sixty three thousand dollars (\$5,663,000.00)~~ six
5 million six hundred sixty-three thousand dollars
6 (\$6,663,000.00) or fifty percent (50%) of the actual
7 development costs, whichever is less;

8
9 (vi) Appropriation: There is appropriated from
10 water development account I to the commission ~~five million~~
11 ~~six hundred sixty three thousand dollars (\$5,663,000.00)~~
12 six million six hundred sixty-three thousand dollars
13 (\$6,663,000.00) or as much thereof as is necessary to carry
14 out the purpose of this subsection. The funds appropriated
15 shall not lapse at the end of any fiscal period but shall
16 carry over until expended or reverted by the legislature to
17 water development account I;

18
19 (viii) Special conditions:

20
21 (F) The establishment of criteria and
22 administrative procedures for the development of small
23 projects under this subsection and decisions of the

1 commission relating to the recommendations, prioritization
2 or disqualification of small projects are specifically
3 exempt from the provisions of the Wyoming Administrative
4 Procedure Act including judicial review under W.S. 16-3-114
5 and 16-3-115~~i~~;

6

7 (G) W.S. 16-6-116 shall not apply to a
8 small project unless the project sponsor determines the
9 small project meets the definition of a "public work" as
10 defined in W.S. 16-6-101(ix).

11

12 **99-3-1904. Level III construction projects -**
13 **rehabilitation.**

14

15 (m) Project - Small Water Development Projects -
16 2014:

17

18 (iv) Total project budget: ~~Five million three~~
19 ~~thousand five hundred ninety dollars (\$5,003,590.00)~~ Six
20 million three thousand five hundred ninety dollars
21 (\$6,003,590.00);

22

1 (v) Project grant: The state of Wyoming shall
2 grant to sponsors from water development account II through
3 the commission for the design, permit procurement, project
4 land procurement, construction engineering and construction
5 of the project an amount not to exceed ~~two million five~~
6 ~~hundred one thousand seven hundred ninety five dollars~~
7 ~~(\$2,501,795.00)~~ three million one thousand seven hundred
8 ninety-five dollars (\$3,001,795.00) or fifty percent (50%)
9 of the actual development costs, whichever is less;

10
11 (vi) Appropriation: There is appropriated from
12 water development account II to the commission ~~two million~~
13 ~~five hundred one thousand seven hundred ninety five dollars~~
14 ~~(\$2,501,795.00)~~ three million one thousand seven hundred
15 ninety-five dollars (\$3,001,795.00) or as much thereof as
16 is necessary to carry out the purpose of this subsection.
17 The funds appropriated shall not lapse at the end of any
18 fiscal period but shall carry over until expended or
19 reverted by the legislature to water development account
20 II;

21
22 (viii) Special conditions:
23

1 (F) The establishment of criteria and
2 administrative procedures for the development of small
3 projects under this subsection and decisions of the
4 commission relating to the recommendations, prioritization
5 or disqualification of small projects are specifically
6 exempt from the provisions of the Wyoming Administrative
7 Procedure Act including judicial review under W.S. 16-3-114
8 and 16-3-115~~i-~~

9
10 (G) W.S. 16-6-116 shall not apply to a
11 small project unless the project sponsor determines the
12 small project meets the definition of a "public work" as
13 defined in W.S. 16-6-101(ix).

14
15 **99-3-2103. Level III construction projects - new**
16 **development.**

17
18 (b) Project - Arapahoe Water Supply 2016:

19
20 (vi) Appropriation: There is appropriated from
21 water development account I to the commission two million
22 two hundred forty-seven thousand eight hundred fifty
23 dollars (\$2,247,850.00) or as much thereof as is necessary

1 to carry out the purpose of this subsection. Unexpended
2 funds appropriated under this subsection shall revert to
3 water development account I on July 1, ~~2021-2024~~.

4

5 **99-3-2503. Level III construction projects - new**
6 **development.**

7

8 (m) Project - Sheridan Area Water Supply Transmission
9 2020:

10

11 (i) Project sponsor: ~~Sheridan Area Water Supply~~
12 ~~Joint Powers Board~~ City of Sheridan;

13

14 **99-99-210. Projects authorized; financing; excess**
15 **water.**

16

17 (e) All water in excess of the needs of the city of
18 Cheyenne within the service area of the city produced by
19 Stage II of the project shall be assigned to and marketed
20 by the Wyoming water development commission for as long as
21 the excess water is available or until July 1, 2036,
22 whichever is earlier, ~~or~~ or until the Wyoming water
23 development commission determines that the excess water is

1 no longer needed because the water has not been contracted
2 for during the previous ten (10) years. Upon a
3 determination by the commission that the excess water is
4 not needed and has not been contracted for during the
5 previous ten (10) years, the commission may renegotiate or
6 seek to terminate any existing contract with the city of
7 Cheyenne entered into pursuant to this subsection and
8 subsection (g) of this section. Upon termination of any
9 existing contract entered into pursuant to this subsection
10 and subsection (g) of this section, the excess water shall
11 no longer be assigned to and marketed by the Wyoming water
12 development commission. The first option to purchase not
13 more than eighty percent (80%) of the surplus water shall
14 be extended to cities, towns and special districts within
15 the North Platte basin for the benefit of their inhabitants
16 at a negotiated cost. Sales contracts entered into by the
17 commission shall be administered by the commission. To
18 optimize the amount of excess Stage II water available for
19 marketing without jeopardizing water supplies necessary to
20 meet the city of Cheyenne's municipal needs, the city shall
21 develop a Stage II management plan acceptable to the water
22 development commission and the state engineer. The board
23 shall transfer thirty-seven and three-tenths percent

1 (37.3%) of the proceeds from the sale of excess Stage II
2 water to the city of Cheyenne which it shall apply to the
3 repayment of the loan provided by subsection (c) of this
4 section until the loan is repaid.

5

6 **Section 3.**

7

8 (a) The Wyoming water development commission is
9 hereby authorized to transfer seven million five hundred
10 thousand dollars (\$7,500,000.00) from water development
11 account I created by W.S. 41-2-124(a)(i) to water
12 development account II created by W.S. 41-2-124(a)(ii).

13

14 (b) In accordance with W.S. 41-2-115(c), upon a
15 finding that the transfer of the test well developed as
16 part of the level II feasibility study authorized under
17 2011 Wyoming Session Laws Chapter 1, Section 2, to the
18 Lance Creek Water and Sewer District is desirable and in
19 the public interest and that the District is capable of
20 constructing, operating and maintaining the project and
21 accomplishing the public interest, the water development
22 commission shall transfer to the Lance Creek Water and
23 Sewer District the test well developed as part of a level

1 II feasibility study for further development by the
2 District, provided the Lance Creek Water and Sewer District
3 agrees to terms outlined by the commission for
4 reimbursement of the expense of predevelopment costs, an
5 amount which shall be not less than thirty-three thousand
6 dollars (\$33,000.00), payment for property and assurances
7 of construction, operation and maintenance of the test well
8 in compliance with all applicable state and federal laws.

9

10 **Section 4.** This act is effective immediately upon
11 completion of all acts necessary for a bill to become law
12 as provided by Article 4, Section 8 of the Wyoming
13 Constitution.

14

15

(END)