

ENROLLED ACT NO. 14, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

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

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

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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:

(i) Project sponsor: The state of Wyoming;

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

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

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

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

(vi) Special conditions:

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

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

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

(i) Project sponsor: The state of Wyoming;

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

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

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

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

(vi) Special conditions:

(A) The state of Wyoming shall participate at a rate up to thirty-seven percent (37%) of actual

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project operations costs not to exceed two hundred ten thousand dollars (\$210,000.00);

(B) Prior to commencing project operations, the Wyoming water development office shall acquire funding commitments from other Colorado River basin water users or other interested parties for a minimum of sixty-three percent (63%) of actual project operations costs;

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

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

(i) Project sponsor: City of Lander;

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

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight

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hundred eighty-four thousand four hundred dollars (\$884,400.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

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

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

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

(i) Project sponsor: Northwest Rural Water District;

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

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

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

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I

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through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed one million four hundred thirteen thousand seven hundred dollars (\$1,413,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

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

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

(f) Project - Torrington Well Connection 2021:

(i) Project sponsor: City of Torrington;

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

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

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

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

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred eighty-nine thousand two hundred seventy dollars (\$389,270.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2026;

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

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

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

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

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

(ii) Project purpose: Agricultural water supply;

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

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

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

(vi) Appropriation: There is appropriated from water development account II to the commission two million eight hundred twenty-seven thousand four hundred dollars (\$2,827,400.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2026;

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

(c) Project - Salt Creek Transmission Pipeline 2021:



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

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

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

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

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

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

(vii) Special Conditions:

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

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

(d) Project - Shoshone Irrigation District Improvements 2021:

(i) Project sponsor: Shoshone Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

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

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

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

(vii) Special conditions:

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

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

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

(e) Project - Sidon Irrigation District  
Rehabilitation 2021:

(i) Project sponsor: Sidon Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of structures, gates and appurtenances

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necessary to make the project function in the manner intended;

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

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

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred seventy-six thousand dollars (\$576,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, 2026;

(vii) Special conditions:

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

(B) The sponsor is responsible for retaining professional engineering services to design the project, compile materials and bidding documents and

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monitor construction activities including the installation of project components and the tracking of project expenditures.

**Section 2.** W.S. 99-3-1106(b)(iv) and (vii), 99-3-1503(g)(vi), 99-3-1903(k)(iv) through (vi), (viii)(F) and by creating a new subparagraph (G), 99-3-1904 (m)(iv) through (vi), (viii)(F) and by creating a new subparagraph (G), 99-3-2103(b)(vi), 99-3-2503(m)(i) and 99-99-210(e) are amended to read:

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

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

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

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

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

(g) Project - Ethete Water Supply:

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

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

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

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

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~five million six hundred sixty-three thousand dollars (\$5,663,000.00)~~  
six million six hundred sixty-three thousand dollars (\$6,663,000.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~five million six hundred sixty-three thousand dollars (\$5,663,000.00)~~  
six million six hundred sixty-three thousand dollars (\$6,663,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall

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carry over until expended or reverted by the legislature to water development account I;

(viii) Special conditions:

(F) The establishment of criteria and administrative procedures for the development of small projects under this subsection and decisions of the commission relating to the recommendations, prioritization or disqualification of small 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~~i~~;

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

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

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

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

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed ~~two million five~~

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~~hundred one thousand seven hundred ninety five dollars (\$2,501,795.00)~~ three million one thousand seven hundred ninety-five dollars (\$3,001,795.00) or fifty percent (50%) of the actual development costs, whichever is less;

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

(viii) Special conditions:

(F) The establishment of criteria and administrative procedures for the development of small projects under this subsection and decisions of the commission relating to the recommendations, prioritization or disqualification of small 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;~~;~~

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

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



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(b) Project - Arapahoe Water Supply 2016:

(vi) Appropriation: There is appropriated from water development account I to the commission two million two hundred forty-seven thousand eight hundred fifty dollars (\$2,247,850.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2021~~2024.

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

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

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

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

(e) All water in excess of the needs of the city of Cheyenne within the service area of the city produced by Stage II of the project shall be assigned to and marketed by the Wyoming water development commission for as long as the excess water is available or until July 1, 2036, whichever is earlier, ~~or~~ or until the Wyoming water development commission determines that the excess water is no longer needed because the water has not been contracted for during the previous ten (10) years. Upon a determination by the commission that the excess water is not needed and has not been contracted for during the previous ten (10) years, the commission may renegotiate or seek to terminate any existing contract with the city of

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Cheyenne entered into pursuant to this subsection and subsection (g) of this section. Upon termination of any existing contract entered into pursuant to this subsection and subsection (g) of this section, the excess water shall no longer be assigned to and marketed by the Wyoming water development commission. The first option to purchase not more than eighty percent (80%) of the surplus water shall be extended to cities, towns and special districts within the North Platte basin for the benefit of their inhabitants at a negotiated cost. Sales contracts entered into by the commission shall be administered by the commission. To optimize the amount of excess Stage II water available for marketing without jeopardizing water supplies necessary to meet the city of Cheyenne's municipal needs, the city shall develop a Stage II management plan acceptable to the water development commission and the state engineer. The board shall transfer thirty-seven and three-tenths percent (37.3%) of the proceeds from the sale of excess Stage II water to the city of Cheyenne which it shall apply to the repayment of the loan provided by subsection (c) of this section until the loan is repaid.

**Section 3.**

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

(b) In accordance with W.S. 41-2-115(c), upon a finding that the transfer of the test well developed as part of the level II feasibility study authorized under 2011 Wyoming Session Laws Chapter 1, Section 2, to the Lance Creek Water and Sewer District is desirable and in

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the public interest and that the District is capable of constructing, operating and maintaining the project and accomplishing the public interest, the water development commission shall transfer to the Lance Creek Water and Sewer District the test well developed as part of a level II feasibility study for further development by the District, provided the Lance Creek Water and Sewer District agrees to terms outlined by the commission for reimbursement of the expense of predevelopment costs, an amount which shall be not less than thirty-three thousand dollars (\$33,000.00), payment for property and assurances of construction, operation and maintenance of the test well in compliance with all applicable state and federal laws.

ORIGINAL HOUSE  
BILL NO. HB0044

ENGROSSED

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**Section 4.** 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