

ENROLLED ACT NO. 92, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 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 amounts and terms of appropriations for specified prior projects; transferring funds from water development account I to water development account II; transferring funds from the general fund to water development account III; clarifying fund limits to the emergency water projects account; repealing obsolete provisions; and providing for an effective date.

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

Section 1. W.S. 99-3-2801 through 99-3-2804 are created to read:

ARTICLE 28
2023 CONSTRUCTION PROJECTS

99-3-2801. Definitions.

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

99-3-2802. General authorization.

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

99-3-2803. Level III construction projects - new development.

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(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 and Sierra Madre Mountain Ranges 2024 (aerial):

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Medicine Bow and Sierra Madre mountain ranges;

(iii) Project description: Conduct an aerial operational winter snowpack augmentation program during the 2023-2024 season;

(iv) Total project budget: Eight hundred seventy-five thousand dollars (\$875,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office eight hundred twenty-five thousand dollars (\$825,000.00) 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, 2025;

(vi) Special conditions:

(A) The Wyoming water development office shall acquire funding commitments from Wyoming water users

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or other interested parties for operational costs which exceed the project appropriation;

(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 and Sierra Madre Mountain Ranges 2024 (ground based):

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: To enhance the winter snowpack in the Wind River mountain and Sierra Madre mountain ranges;

(iii) Project description: Conduct a ground-based operational winter snowpack augmentation program during the 2023-2024 season;

(iv) Total project budget: Eight hundred five thousand dollars (\$805,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office three hundred one thousand dollars (\$301,000.00) 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, 2025;

(vi) Special conditions:

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(A) The state of Wyoming shall participate in the project described in this subsection at a rate up to thirty-seven percent (37%) of actual project operations costs not to exceed three hundred one thousand dollars (\$301,000.00);

(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 - Happy Valley Water Transmission and Storage 2023:

(i) Project sponsor: Happy Valley Water Improvement and Service District;

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

(iii) Project description: Design and pre-construction of water transmission pipelines, storage tanks, structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred sixty thousand dollars (\$460,000.00);

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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 and pre-construction engineering of the project an amount not to exceed three hundred eight thousand two hundred dollars (\$308,200.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred eight thousand two hundred dollars (\$308,200.00) 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, 2028;

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

(e) Project - Sheridan Northeast Transmission Main Extension 2023:

(i) Project sponsor: City of Sheridan;

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

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

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(iv) Total project budget: Three hundred eighteen thousand dollars (\$318,000.00);

(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 and pre-construction engineering of the project an amount not to exceed two hundred thirteen thousand sixty dollars (\$213,060.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission two hundred thirteen thousand sixty dollars (\$213,060.00) 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, 2028;

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

(f) Project - South End Water Users ISD Pipeline 2023:

(i) Project sponsor: South End Water Users Improvement and Service District;

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

(iii) Project description: Design and pre-construction of water transmission pipelines,

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structures and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Four hundred fifty-nine thousand four hundred three dollars (\$459,403.00);

(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 and pre-construction engineering of the project an amount not to exceed three hundred seven thousand eight hundred dollars (\$307,800.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three hundred seven thousand eight hundred dollars (\$307,800.00) 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, 2028;

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

99-3-2804. 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

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apply to the projects identified in this section unless required by W.S. 41-2-121.

(b) Project - CAID Lateral 256 Drop Structure 2023:

(i) Project sponsor: Casper Alcova Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Seven hundred twelve thousand dollars (\$712,000.00);

(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 four hundred seventy-seven thousand forty dollars (\$477,040.00) or sixty-seven percent (67%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission four hundred seventy-seven thousand forty dollars (\$477,040.00) 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, 2028;

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(vii) Special Conditions:

(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 or the transfer of funds from another funding source.

(c) Project - Enterprise WID Calvert Lateral 2023:

(i) Project sponsor: Enterprise Watershed Improvement District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Eight hundred seventy thousand dollars (\$870,000.00);

(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 four hundred seventeen thousand six hundred dollars (\$417,600.00) or forty-eight percent (48%) of these actual development costs, whichever is less;

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(vi) Project loan: The state of Wyoming shall loan 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 hundred eight thousand eight hundred dollars (\$208,800.00) or twenty-four percent (24%) of these actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission six hundred twenty-six thousand four hundred dollars (\$626,400.00) 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, 2028;

(viii) Special Conditions:

(A) The sponsor is responsible for acquiring twenty-eight percent (28%) 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 or the transfer of funds from another funding source.

(d) Project - Goshen ID 56.0 Pipeline Phase I 2023:

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- (i) Project sponsor: Goshen Irrigation District;
- (ii) Project purpose: Agricultural water supply;
- (iii) Project description: Design and construction of pipelines, structures and appurtenances necessary to make the project function in the manner intended;
- (iv) Total project budget: Two hundred thirty-six thousand three hundred dollars (\$236,300.00);
- (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 one hundred forty-nine thousand six hundred dollars (\$149,600.00) 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 one hundred forty-nine thousand six hundred dollars (\$149,600.00) 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, 2028;
- (vii) Special conditions:
 - (A) The sponsor is responsible for all project costs with the exception of the purchase of project

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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 or transfer from another funding source.

(e) Project - Heart Mountain ID Lateral R4S 2023:

(i) Project sponsor: Heart Mountain Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four million six hundred fifty-six thousand dollars (\$4,656,000.00);

(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 one

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million one hundred sixty-four thousand dollars (\$1,164,000.00) or twenty-five percent (25%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million one hundred sixty-four thousand dollars (\$1,164,000.00) 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, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring seventy-five percent (75%) 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 or the transfer of funds from another funding source.

(f) Project - Interstate I&R ID Canal Phase III 2023:

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

(ii) Project purpose: Agricultural water supply;

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

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(iv) Total project budget: Five million seven hundred thousand dollars (\$5,700,000.00);

(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 three million two hundred twenty-six thousand two hundred dollars (\$3,226,200.00) or fifty-six and six-tenths percent (56.6%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three million two hundred twenty-six thousand two hundred dollars (\$3,226,200.00) 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, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring forty-three and four-tenths percent (43.4%) 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 or the transfer of funds from another funding source.

(g) Project - Lakeview ID Rock Creek Siphon 2023:

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(i) Project sponsor: Lakeview Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Two million nine hundred fifty thousand dollars (\$2,950,000.00);

(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 one million four hundred seventy-five thousand dollars (\$1,475,000.00) or fifty percent (50%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission one million four hundred seventy-five thousand dollars (\$1,475,000.00) 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, 2028;

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(vii) Special Conditions:

(A) The sponsor is responsible for acquiring fifty percent (50%) 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 or the transfer of funds from another funding source.

(h) Project - Midvale ID Wyoming Canal Phase I 2023:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four million two hundred fifty thousand dollars (\$4,250,000.00);

(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

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million two hundred fifty thousand dollars (\$2,250,000.00) or fifty-three percent (53%) of these actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two million two hundred fifty thousand dollars (\$2,250,000.00) 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, 2028;

(vii) Special Conditions:

(A) The sponsor is responsible for acquiring forty-seven percent (47%) 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 or the transfer of funds from another funding source.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-1106(a)(iv), (vii), (b)(iv), (vii) and (viii), 99-3-1503(g)(iii) and (vi), 99-3-1903(k)(iv) through (vi), 99-3-2003(b)(iv) through (vii), 99-3-2203(b)(vi) and (e)(vi), 99-3-2205(e)(iv) through (vii), 99-3-2303(b)(vi) and (e)(vi), 99-3-2304(j)(vi), 99-3-2404(e)(vi) and (f)(iv) through (vi), 99-3-2406(o)(iv) through (vi), 99-3-2503(g)(vi), 99-3-2504(c)(iv) through (vii), by creating a new paragraph (viii), (m)(iv) through (vi) and (vii) by creating a new

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subparagraph (C), 99-3-2603(f)(vi), 99-3-2604(d)(iv) through (vi) and 99-3-2704(e)(vii) and (g)(iv) through (vi) are amended to read:

99-3-1106. Sponsor's Contingency Funds.

(a) Project - Sponsor's Contingency Fund - New Development:

(iv) Total project budget: ~~Three million dollars (\$3,000,000.00)~~ Seven million dollars (\$7,000,000.00);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~three million dollars (\$3,000,000.00)~~ seven million dollars (\$7,000,000.00) 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, ~~2025~~ 2027; and

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

(iv) Total project budget: ~~Four million five hundred thousand dollars (\$4,500,000.00)~~ Five million seven hundred thousand dollars (\$5,700,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~four million five hundred thousand dollars (\$4,500,000.00)~~ five million seven hundred thousand dollars (\$5,700,000.00) 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~~ 2027; and

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(viii) Special condition:

(A) The commission is authorized to consider and approve supplemental funding to complete existing water development program Level III construction projects any time during the calendar year ~~i-~~

(B) The appropriation of additional funds for this project in the amount of one million two hundred thousand dollars (\$1,200,000.00) is contingent upon the transfer of funds to water development account II as described in section 3 of this act or the transfer of funds from another funding source.

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

(g) Project - Ethete Water Supply:

(iii) Project description: Design and construction of a well field, ~~transmission pipeline,~~ pump stations, storage tank improvements and appurtenances necessary to make the project function in the manner intended;

(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, ~~2023-2025~~;

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

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

(iv) Total project budget: ~~Fifteen million three hundred twenty-six thousand dollars (\$15,326,000.00)~~
Seventeen million three hundred twenty-six thousand dollars (\$17,326,000.00);

(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 ~~seven million six hundred sixty-three thousand dollars (\$7,663,000.00)~~ eight million six hundred sixty-three thousand dollars (\$8,663,000.00) 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 ~~seven million six hundred sixty-three thousand dollars (\$7,663,000.00)~~ eight million six hundred sixty-three thousand dollars (\$8,663,000.00) 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 carry over until expended or reverted by the legislature to water development account I;

99-3-2003. Level III construction projects - new development.

(b) Project - Arapahoe Pipeline and Tank:

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(iv) Total project budget: ~~Two million eight hundred seventy six thousand dollars (\$2,876,000.00)~~ Five million five hundred thousand dollars (\$5,500,000.00);

(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 ~~one million nine hundred twenty six thousand nine hundred twenty dollars (\$1,926,920.00)~~ two million four hundred twenty thousand dollars (\$2,420,000.00) or ~~sixty-seven percent (67%)~~ forty-four percent (44%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission ~~one million nine hundred twenty six thousand nine hundred twenty dollars (\$1,926,920.00)~~ two million four hundred twenty thousand dollars (\$2,420,000.00) 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, ~~2023-2025~~;

(vii) Special conditions: The sponsor is responsible for acquiring ~~thirty-three percent (33%)~~ fifty-six percent (56%) of the total project budget from other sources.

99-3-2203. Level III construction projects - new development.

(b) Project - Broken Wheel Ranch Water Supply 2017:

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(vi) Appropriation: There is appropriated from water development account I to the commission six hundred thirteen thousand fifty dollars (\$613,050.00) 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~~2025;

(e) Project - Gillette Regional Extensions 2017:

(vi) Appropriation: There is appropriated from water development account I to the commission two million seven hundred fifty-three thousand seven hundred dollars (\$2,753,700.00) 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, ~~2024~~2025;

99-3-2205. Level III construction projects - dams and reservoirs.

(e) Project - Leavitt Reservoir Expansion:

(iv) Total project budget: ~~Forty-six million dollars (\$46,000,000.00)~~ Seventy-eight million dollars (\$78,000,000.00);

(v) Project Grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ~~forty-four million three hundred nineteen thousand dollars (\$44,319,000.00)~~ seventy-six million two hundred eighty-four thousand dollars (\$76,284,000.00) or ~~ninety-six and three tenths percent~~

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~~(96.3%)~~ ninety-seven and eight-tenths percent (97.8%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ~~one million six hundred eighty-one thousand dollars (\$1,681,000.00)~~ one million seven hundred sixteen thousand dollars (\$1,716,000.00) or ~~three and seven tenths percent (3.7%)~~ two and two-tenths percent (2.2%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation and authorization: There is appropriated from water development account III to the commission forty-six million dollars (\$46,000,000.00) 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 III on July 1, ~~2025-2027~~. There is authorized for expenditure by the commission from the sponsor's contingency fund - account III, created by W.S. 99-3-2505(a), thirty-two million dollars (\$32,000,000.00) to carry out the purpose of this subsection.

99-3-2303. Level III construction projects - new development.

(b) Project - Gillette Regional Extensions Phase IV-2018:

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(vi) Appropriation: There is appropriated from water development account I to the commission one million five hundred twelve thousand one hundred ninety dollars (\$1,512,190.00) 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~~2025;

(e) Project - Melody Ranch Water System Improvements 2018:

(vi) Appropriation: There is appropriated from water development account I to the commission nine hundred forty-four thousand seven hundred dollars (\$944,700.00) 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, ~~2023~~2026;

99-3-2304. Level III construction projects - rehabilitation.

(j) Project - Riverton Valley Irrigation District Rehabilitation 2018:

(vi) Appropriation: There is appropriated from water development account II to the commission five hundred forty-two thousand five hundred dollars (\$542,500.00) 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, ~~2023~~2025;

99-3-2404. Level III construction projects - new development.

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(e) Project - GR/RS/SC JPWB Pump Station 2019:

(vi) Appropriation: There is appropriated from water development account I to the commission seven million four hundred ninety-seven thousand three hundred dollars (\$7,497,300.00) 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, ~~2024~~2026;

(f) Project - Lander Storage Tanks and Pump Station 2019:

(iv) Total project budget: ~~Five million four hundred fifty thousand dollars (\$5,450,000.00)~~ Ten million four hundred ninety thousand dollars (\$10,490,000.00);

(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 ~~three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00)~~ seven million twenty-eight thousand three hundred dollars (\$7,028,300.00) 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 million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00)~~ seven million twenty-eight thousand three hundred dollars (\$7,028,300.00) or as much thereof as is necessary to carry out the purpose of this subsection.

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Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2024;

99-3-2406. Level III construction projects - rehabilitation.

(o) Project - Shoshone Irrigation District Rehabilitation 2019:

(iv) Total project budget: ~~Four hundred seventy-two thousand dollars (\$472,000.00)~~ Five hundred ninety-seven thousand dollars (\$597,000.00);

(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 ~~one hundred eighty-one thousand dollars (\$181,000.00)~~ two hundred eighty-two thousand dollars (\$282,000.00) 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 ~~one hundred eighty-one thousand dollars (\$181,000.00)~~ two hundred eighty-two thousand dollars (\$282,000.00) 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, 2024;

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

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(g) Project - Glenrock Transmission Pipeline 2020:

(vi) Appropriation: There is appropriated from water development account I to the commission nine hundred fifty-eight thousand one hundred dollars (\$958,100.00) 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, ~~2025-2027~~;

99-3-2504. Level III Construction Projects - rehabilitation.

(c) Project - Cottonwood Irrigation District Transmission Pipeline 2020:

(iv) Total project budget: ~~One million five hundred forty thousand dollars (\$1,540,000.00)~~ Three million one hundred eleven thousand dollars (\$3,111,000.00);

(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 ~~one million thirty-one thousand eight hundred dollars (\$1,031,800.00)~~ one million seven hundred eleven thousand fifty dollars (\$1,711,050.00) or ~~sixty-seven percent (67%)~~ fifty-five percent (55%) of the actual development costs, whichever is less;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the design, permit procurement,

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project land procurement, construction engineering and construction of the project an amount not to exceed ~~five hundred eight thousand two hundred dollars (\$508,200.00)~~ eight hundred eight thousand eight hundred sixty dollars (\$808,860.00) or ~~thirty-three percent (33%)~~ twenty-six percent (26%) of the actual development costs, whichever is less, for a term of forty (40) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one million five hundred forty thousand dollars (\$1,540,000.00)~~ two million five hundred nineteen thousand nine hundred ten dollars (\$2,519,910.00) 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;;

(viii) Special conditions: The sponsor is responsible for acquiring nineteen percent (19%) of the total project budget from other sources.

(m) Project - Sidon Irrigation District Sidon Canal 2020:

(iv) Total project budget: ~~One million seven hundred fifty-three thousand eight hundred fifty-seven dollars (\$1,753,857.00)~~ Two million five hundred fifty-four thousand dollars (\$2,554,000.00);

(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

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by the commission an amount not to exceed ~~one million sixty thousand dollars (\$1,060,000.00)~~ one million seven hundred eleven thousand dollars (\$1,711,000.00) 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 ~~one million sixty thousand dollars (\$1,060,000.00)~~ one million seven hundred eleven thousand dollars (\$1,711,000.00) 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;

(vii) Special conditions:

(C) The appropriation of additional funds for this project in the amount of six hundred fifty-one thousand dollars (\$651,000.00) is contingent upon the transfer of funds to water development account II as described in section 3 of this act or the transfer of funds from another funding source.

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

(f) Project - Torrington Well Connection 2021:

(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

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appropriated under this subsection shall revert to water development account I on July 1, ~~2026~~2027;

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

(d) Project - Shoshone Irrigation District Improvements 2021:

(iv) Total project budget: ~~Four hundred seventy-seven thousand five hundred dollars (\$477,500.00)~~
Five hundred eighty-five thousand dollars (\$585,000.00);

(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)~~
three hundred twenty-nine thousand dollars (\$329,000.00) 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 ~~two hundred forty thousand dollars (\$240,000.00)~~
three hundred twenty-nine thousand dollars (\$329,000.00) 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;

99-3-2704. Level III construction projects - rehabilitation.

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(e) Project - Dry Creek Irrigation District Pipeline Replacement 2022:

(vii) Appropriation: There is appropriated from water development account II to the commission one million eight hundred fifty thousand dollars (\$1,850,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended and unobligated funds appropriated under this subsection shall revert to water development account II on July 1, ~~2027~~2028;

(g) Project - Goshen ID Tunnel Rehabilitation 2022:

(iv) Total project budget: ~~Two million three hundred fifty thousand dollars (\$2,350,000.00)~~ Four million seven hundred ninety-five thousand nine hundred twenty dollars (\$4,795,920.00). The sponsor's project budget is ~~one million one hundred fifty one thousand five hundred dollars (\$1,151,500.00)~~ two million three hundred fifty thousand dollars (\$2,350,000.00) or forty-nine percent (49%) of the total project budget, whichever is less;

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the engineering analysis, design, permit procurement, project land procurement, and pre-construction engineering of the project an amount not to exceed ~~seven hundred seventy one thousand five hundred five dollars (\$771,505.00)~~ one million five hundred seventy-four thousand five hundred dollars (\$1,574,500.00) or sixty-seven percent (67%) of these actual development costs within the sponsor's project budget, whichever is less;

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(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account II through the commission for the engineering analysis, design, permit procurement, project land procurement and pre-construction engineering of the project an amount not to exceed ~~three hundred seventy nine thousand nine hundred ninety five dollars (\$379,995.00)~~ seven hundred seventy-five thousand five hundred dollars (\$775,500.00) or thirty-three percent (33%) of these actual development costs within the sponsor's project budget, whichever is less, for a term of twenty (20) years from the date the commission determines that project benefits accrue to the sponsor or the commission determines the project is not likely to proceed to construction, at an annual interest rate of four percent (4%);

[Transfer of Funds]

Section 3. The Wyoming water development commission is hereby authorized to transfer eleven million two hundred thousand dollars (\$11,200,000.00) 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).

Section 4. There is appropriated thirty million dollars (\$30,000,000.00) from the general fund to water development account III, created by W.S. 41-2-124(a)(iii).

Section 5. W.S. 41-2-124(h) is amended to read:

41-2-124. Accounts created; unexpended balance.

(h) The commission shall adopt rules providing for eligibility determination, procedures and criteria for the application and award of funds from the emergency water

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projects account. The total amount awarded under this subsection for each emergency project shall not exceed three million dollars (\$3,000,000.00) per fiscal biennium. The maximum grant amount awarded for each emergency project shall not exceed seventy-five percent (75%) of the total emergency project costs, the remaining twenty-five percent (25%) may be funded by the commission in the form of a loan. The term of a loan shall not exceed fifty (50) years and interest shall provide a reasonable return and shall not be less than four percent (4%). The commission shall include the total amount of all emergency water project grant or loan funds provided under this subsection and subtract that total from the maximum allowable grant under W.S. 41-2-121(a)(ii)(E)(I) for a subsequent water development project involving the same entity and project components. All emergency water projects account funds awarded under this subsection shall be approved by the state loan and investment board after review and recommendation by the water development commission prior to the release of funds.

Section 6. 2022 Wyoming Session Laws, Chapter 74, Section 1(a)(i) through (iii) is amended to read:

Section 1.

(a) The following sums of money are appropriated from the legislative stabilization reserve account to the following accounts for the purposes specified. The governor is authorized to direct up to:

(i) Twenty-five million dollars (\$25,000,000.00) to water development account I created by W.S. 41-2-124(a)(i) which shall be

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further appropriated from water development account I to the Wyoming water development commission for the purpose of acquiring water storage capacity in Fontenelle reservoir. The Wyoming water development office is hereby authorized to negotiate a purchase agreement with the bureau of reclamation to acquire water storage capacity in Fontenelle reservoir. No funds shall be expended from this appropriation until the negotiated purchase agreement is approved by the Wyoming water development commission and the governor and the legislature state loan and investment board authorizes the purchase of water storage capacity as a water development program construction project;

(ii) Twenty-one million eight hundred ten thousand dollars (\$21,810,000.00) to water development account II created by W.S. 41-2-124(a)(ii) which shall be further appropriated from water development account II to the Wyoming water development commission for the Goshen irrigation district tunnels 1 and 2 rehabilitation water development project. No funds shall be expended from this appropriation until the ~~legislature~~state loan and investment board authorizes the project as a water development program construction project;

(iii) Thirty million dollars (\$30,000,000.00) to water development account II created by W.S. 41-2-124(a)(ii) which shall be further appropriated from water development account II to the Wyoming water development commission for the purpose of the LaPrele dam

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rehabilitation water development project. No funds shall be expended from this appropriation until the ~~legislature~~state loan and investment board authorizes the project as a water development program construction project.

Section 7. W.S. 99-3-2604(d)(vii)(C) and 99-3-2704(e)(viii), (g)(vii) and (ix) are repealed.

ORIGINAL HOUSE
BILL NO. HB0093

ENGROSSED

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Section 8. 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