

ORIGINAL SENATE
FILE NO. SF0059

ENROLLED ACT NO. 28, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to water development projects; providing for a transfer of funds to water development account II; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; modifying project descriptions, amounts and terms of appropriations for specified prior projects; transferring funds from the Buffalo Bill dam account; creating an account; and providing for an effective date.

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

Section 1. W.S. 99-3-2401 through 99-3-2407 are created to read:

ARTICLE 24
2019 CONSTRUCTION PROJECTS

99-3-2401. Definitions.

(a) As used in this article:

(i) "Commission" means the Wyoming water development commission;

(ii) "Sponsor" means the municipality, conservancy district, irrigation district, water district, improvement and service district, water and sewer district, watershed improvement district, joint powers board, business council of the Eastern Shoshone Indian tribe or business council of the Northern Arapaho Indian tribe that will receive funding for one (1) or more of the projects identified in this article;

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(iii) "Water development account I" means the account created by W.S. 41-2-124(a)(i);

(iv) "Water development account II" means the account created by W.S. 41-2-124(a)(ii);

(v) "Water development account III" means the account created by W.S. 41-2-124(a)(iii).

99-3-2402. General authorization.

(a) The commission shall contract with each sponsor identified in this article for the design, construction and operation of the project in a manner consistent with this article and administer the contract on behalf of the state of Wyoming.

(b) Upon execution of the contract outlined in subsection (a) of this section, the sponsor may design, construct and operate the project in a manner consistent with the terms and conditions outlined in the contract.

99-3-2403. General conditions for Level III construction projects - new development.

(a) Except as otherwise specifically provided, each Level III new development construction project identified in this article shall be subject to the following general conditions:

(i) Each sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

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(ii) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

(iii) Each sponsor shall supervise design and construction of the project and submit all requests for payment to the commission for approval;

(iv) A sponsor shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans;

(v) The commission shall make payments directly to the sponsor;

(vi) The sponsor shall be responsible for operation and maintenance of the project;

(vii) The sponsor is responsible for all project expenditures in excess of the total project appropriation;

(viii) If the commission determines that any sponsor has, without good cause, abandoned completion of the project, that sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state treasurer in an amount equal to the interest that would have accrued on the expended grant funds in the water development account from the date of expenditure;

(ix) Principal and interest payments made in repayment of loans shall be deposited in water development account I;

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(x) There shall be no lease, sale, assignment or transfer of ownership of water from the project for purposes other than the designated project purpose without prior written approval of the commission and the state engineer or board of control. If such a transaction is approved, the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project shall be utilized to retire principal on the project loan. After that loan is paid in full, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project cost paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project cost paid by the project grant;

(xi) There shall be no lease, sale, assignment or transfer of ownership of any project until the project loan is paid in full, and until prior written approval is obtained from the commission. If these conditions are met, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project cost paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project cost paid by the project grant. Before the sponsor may lease, sell, assign or transfer ownership of the project, the state of Wyoming shall be given a one (1) year first right of refusal option to purchase the sponsor's interest in the project for an amount equal to the principal, interest, maintenance and replacement costs incurred by the sponsor at the date the option is exercised;

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(xii) After the project loan is paid in full, the sponsor may purchase the position of the state of Wyoming, as described in paragraphs (x) and (xi) of this subsection, for the amount of the project grant plus the interest that would have accrued on the grant amount in the water development account from the date the project was substantially completed as defined by the commission. The interest that would have accrued on the grant amount shall be established by the state treasurer;

(xiii) Any revenues generated by the state from the lease, sale, assignment or transfer of ownership of any project or project water shall be deposited in water development account I.

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

(a) Authorization is granted for the Level III new development construction projects identified in this section.

(b) Project - Buffalo Wells and Transmission 2019:

(i) Project sponsor: City of Buffalo;

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

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

(iv) Total project budget: One million eight hundred forty-eight thousand dollars (\$1,848,000.00);

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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 one million two hundred thirty-eight thousand one hundred sixty dollars (\$1,238,160.00) 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 two hundred thirty-eight thousand one hundred sixty dollars (\$1,238,160.00) 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;

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

(c) Project - Clearmont Well Connection 2019:

(i) Project sponsor: Town of Clearmont;

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

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

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(iv) Total project budget: Four hundred ninety-one thousand dollars (\$491,000.00);

(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 hundred twenty-eight thousand nine hundred seventy dollars (\$328,970.00) 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 twenty-eight thousand nine hundred seventy dollars (\$328,970.00) 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;

(vii) Special conditions:

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

(B) The sponsor is responsible for acquiring one hundred percent (100%) of the total well purchase price from other sources;

(C) The commission shall sell and the sponsor shall purchase the well drilled during the level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor shall purchase the well with a lump sum payment.

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(d) Project - Etna Storage Tank 2019:

(i) Project sponsor: Etna Water and Sewer District;

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

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

(iv) Total project budget: One million four hundred ninety-five thousand dollars (\$1,495,000.00);

(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 one thousand six hundred fifty dollars (\$1,001,650.00) 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 one thousand six hundred fifty dollars (\$1,001,650.00) 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;

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

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

(i) Project sponsor: Green River-Rock Springs-Sweetwater County Joint Powers Water Board;

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

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

(iv) Total project budget: Eleven million one hundred ninety thousand dollars (\$11,190,000.00);

(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 seven million four hundred ninety-seven thousand three hundred dollars (\$7,497,300.00) 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 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

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

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

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

(i) Project sponsor: City of Lander;

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

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

(iv) Total project budget: Three hundred forty thousand dollars (\$340,000.00);

(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 of the project an amount not to exceed two hundred twenty-seven thousand eight hundred dollars (\$227,800.00) 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 two hundred twenty-seven thousand eight hundred dollars (\$227,800.00) or as much thereof as is necessary to carry out the purpose of

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

(vii) Special conditions:

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

(B) The sponsor shall provide to the commission an adequate feasibility study of the proposed project prior to commencing the design phase.

(g) Project - Northwest Rural Water System Improvements 2019:

(i) Project sponsor: Northwest Rural Water District;

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

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

(iv) Total project budget: One million five hundred seventy-five thousand dollars (\$1,575,000.00);

(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

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of the project an amount not to exceed one million fifty-five thousand two hundred fifty dollars (\$1,055,250.00) 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 fifty-five thousand two hundred fifty dollars (\$1,055,250.00) 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;

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

(h) Project - Rolling Hills Well No. 7 Connection 2019:

(i) Project sponsor: Town of Rolling Hills;

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

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

(iv) Total project budget: Four hundred eight thousand dollars (\$408,000.00);

(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

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land procurement, construction engineering and construction of the project an amount not to exceed two hundred seventy-three thousand three hundred sixty dollars (\$273,360.00) 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 two hundred seventy-three thousand three hundred sixty dollars (\$273,360.00) 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;

(vii) Special conditions:

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

(B) The sponsor is responsible for acquiring one hundred percent (100%) of the total well purchase price from other sources;

(C) The commission shall sell and the sponsor shall purchase the well drilled during the level II study for a price not to exceed thirty-three percent (33%) of the well's actual construction costs. The sponsor shall purchase the well with a lump sum payment.

(j) Project - Weather Modification Medicine Bow Mountains 2019-2020:

(i) Project sponsor: The state of Wyoming;

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(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 2019-2020 fall, winter and spring seasons;

(iv) Total project budget: Six hundred thirty-four thousand dollars (\$634,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office five hundred eighty-nine thousand dollars (\$589,000.00) 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;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program. Five thousand dollars (\$5,000.00) of the total appropriation is allocated for this purpose;

(B) Prior to commencing project operations, the Wyoming water development office shall acquire funding commitments from Wyoming water users or other interested parties for a minimum of seven percent (7%) of actual project operations costs;

(C) The Wyoming water development office is authorized to enter into contracts with Colorado organizations to extend aerial weather modification efforts

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into Colorado provided these organizations pay one hundred percent (100%) of the additional costs associated with operations in Colorado.

(k) Project - Weather Modification Wind River Mountains 2019-2020:

(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 2019-2020 fall, winter and spring seasons;

(iv) Total project budget: Four hundred sixty-five thousand dollars (\$465,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office one hundred seventy-five thousand dollars (\$175,000.00) 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;

(vi) Special conditions:

(A) The Wyoming water development office shall manage and provide oversight of the program. Five thousand dollars (\$5,000.00) of the total appropriation is allocated for this purpose;

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(B) The state of Wyoming shall participate at a rate of thirty-seven percent (37%) of actual project operations costs not to exceed one hundred seventy thousand dollars (\$170,000.00);

(C) 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 sixty-three percent (63%) of actual project operations costs;

(D) If the Wyoming water development office is unable to secure adequate funding commitments and 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.

99-3-2405. General conditions for Level III construction projects - rehabilitation.

(a) Except as otherwise specifically provided, each Level III rehabilitation construction project identified in this article shall be subject to the following general conditions:

(i) Each sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

(ii) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

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(iii) Each sponsor shall supervise design and construction of the project and submit all requests for payment to the commission for approval;

(iv) Sponsors shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans;

(v) The commission shall make payments directly to the sponsor;

(vi) The sponsor shall be responsible for operation and maintenance of the project;

(vii) The sponsor is responsible for all project expenditures in excess of the total project appropriation;

(viii) If the commission determines that any sponsor has, without good cause, abandoned completion of the project, that sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state treasurer in an amount equal to the interest that would have accrued on the expended grant funds in the water development account from the date of expenditure;

(ix) Principal and interest payments made in repayment of loans shall be deposited in water development account II.

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

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(a) Authorization is granted for the Level III rehabilitation construction projects identified in this section.

(b) Project - Austin-Wall Reservoir Rehabilitation
2019:

(i) Project sponsor: Austin-Wall Irrigation
District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Three hundred
seventy-four thousand dollars (\$374,000.00);

(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 hundred fifty
thousand five hundred eighty dollars (\$250,580.00) or
sixty-seven percent (67%) 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, project land
procurement, construction engineering and construction of the
project an amount not to exceed one hundred twenty-three
thousand four hundred twenty dollars (\$123,420.00) or

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thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) 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 three hundred seventy-four thousand dollars (\$374,000.00) 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;

(viii) Special conditions: 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.

(c) Project - Big Horn Canal Wasteway Rehabilitation 2019:

(i) Project sponsor: Big Horn Canal Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of replacement wasteway/check structure and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Nine hundred sixty thousand dollars (\$960,000.00);

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(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 six hundred forty-three thousand two hundred dollars (\$643,200.00) or sixty-seven percent (67%) 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, project land procurement, construction engineering and construction of the project an amount not to exceed three hundred sixteen thousand eight hundred dollars (\$316,800.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of thirty (30) 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 nine hundred sixty thousand dollars (\$960,000.00) 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.

(d) Project - Bluff/Upper Bluff System Improvements
2019:

(i) Project sponsor: Bluff/Upper Bluff Irrigation
District;

(ii) Project purpose: Agricultural water supply;

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(iii) Project description: Design and construction of replacement pumps, structure repairs and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred sixty-six thousand dollars (\$366,000.00);

(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 hundred forty-five thousand two hundred twenty dollars (\$245,220.00) or sixty-seven percent (67%) 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, project land procurement, construction engineering and construction of the project an amount not to exceed forty-five thousand seven hundred eighty dollars (\$45,780.00) or twelve and fifty-one hundredths percent (12.51%) of the actual development costs, whichever is less, for a term of twenty (20) 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 two hundred ninety-one thousand dollars (\$291,000.00) 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;

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(viii) Special conditions: The sponsor is responsible for acquiring twenty and forty-nine hundredths percent (20.49%) of the total project budget from other sources.

(e) Project - Cody Canal Rehabilitation 2019:

(i) Project sponsor: Cody Canal Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Six hundred forty-six thousand six hundred forty-nine dollars (\$646,649.00);

(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 three hundred forty-four thousand dollars (\$344,000.00) 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 three hundred forty-four thousand dollars (\$344,000.00) 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;

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(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.

(f) Project - Deaver Irrigation District Rehabilitation
2019:

(i) Project sponsor: Deaver Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Eight hundred ninety-nine thousand nine hundred twenty-nine dollars (\$899,929.00);

(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 four hundred twenty-four thousand dollars (\$424,000.00) 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 four hundred twenty-four thousand dollars (\$424,000.00) 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;

(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.

(g) Project - Dry Creek Irrigation District Rehabilitation 2019:

(i) Project sponsor: Dry Creek Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

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(iv) Total project budget: One million six hundred twenty-eight thousand dollars (\$1,628,000.00);

(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 ninety thousand seven hundred sixty dollars (\$1,090,760.00) or sixty-seven percent (67%) 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, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred thirty-seven thousand two hundred forty dollars (\$537,240.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) 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 six hundred twenty-eight thousand dollars (\$1,628,000.00) 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;

(viii) Special conditions: The appropriation of funds for this project is contingent upon the transfer of

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funds to water development account II as described in section 3 of this act.

(h) Project - Eden Valley Irrigation District System Improvements 2019:

(i) Project sponsor: Eden Valley Irrigation and Drainage District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Six hundred fifty thousand dollars (\$650,000.00);

(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 hundred fifty-one thousand dollars (\$351,000.00) or fifty-four percent (54%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three hundred fifty-one thousand dollars (\$351,000.00) 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;

(vii) Special conditions:

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(A) The sponsor is responsible for acquiring forty-six percent (46%) 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.

(j) Project - Interstate Diversion Structure Rehabilitation 2019:

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

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four hundred twenty thousand dollars (\$420,000.00);

(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 hundred eighty-one thousand four hundred dollars (\$281,400.00) or sixty-seven percent (67%) of the 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 one hundred thirty-eight thousand six hundred dollars (\$138,600.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) 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 four hundred twenty thousand dollars (\$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 II on July 1, 2024.

(k) Project - Lakeview Carter Creek Siphon/Spillway
2019:

(i) Project sponsor: Lakeview Irrigation
District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and
construction of a siphon/spillway structure and appurtenances
necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred fifty-one
thousand dollars (\$351,000.00);

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

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the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred thirty-five thousand one hundred seventy dollars (\$235,170.00) or sixty-seven percent (67%) 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, project land procurement, construction engineering and construction of the project an amount not to exceed one hundred fifteen thousand eight hundred thirty dollars (\$115,830.00) or thirty-three percent (33%) of the actual development costs, whichever is less, for a term of twenty (20) 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 three hundred fifty-one thousand dollars (\$351,000.00) 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.

(m) Project - Lovell Moncur Lateral Rehabilitation 2019:

(i) Project sponsor: Lovell Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

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(iv) Total project budget: Two million six hundred thirty-seven thousand four hundred two dollars (\$2,637,402.00);

(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 million six hundred seventy thousand dollars (\$1,670,000.00) 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 six hundred seventy thousand dollars (\$1,670,000.00) 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;

(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.

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(n) Project - Midvale Irrigation District
Rehabilitation 2019:

(i) Project sponsor: Midvale Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Eight hundred twenty-six thousand dollars (\$826,000.00);

(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 five hundred fifty-nine thousand dollars (\$559,000.00) 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 fifty-nine thousand dollars (\$559,000.00) 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;

(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;

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(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.

(o) Project - Shoshone Irrigation District Rehabilitation 2019:

(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-two thousand dollars (\$472,000.00);

(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) 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) 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 II on July 1, 2024;

(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.

(p) Project - Wheatland Irrigation District Tunnel Dam Rehabilitation 2019:

(i) Project sponsor: Wheatland Irrigation District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design for rehabilitation of a diversion dam structure and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Three hundred eighty-eight thousand dollars (\$388,000.00);

(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, and project land procurement of the project an amount not to

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exceed two hundred fifty-nine thousand nine hundred sixty dollars (\$259,960.00) or sixty-seven percent (67%) 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, and project land procurement of the project an amount not to exceed one hundred twenty-eight thousand forty dollars (\$128,040.00) or thirty-three percent (33%) of the 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 three hundred eighty-eight thousand dollars (\$388,000.00) 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.

(q) Project - Wind River Inter-Tribal Council Rehabilitation 2019:

(i) Project sponsor: Business council of the Eastern Shoshone Indian Tribe and business council of the Northern Arapaho Indian Tribe;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of canal laterals, control structures and

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

(iv) Total project budget: One million eight hundred fifty-eight thousand dollars (\$1,858,000.00);

(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 nine hundred twenty-nine thousand dollars (\$929,000.00) 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 nine hundred twenty-nine thousand dollars (\$929,000.00) 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;

(vii) Special conditions: The sponsor is responsible for acquiring fifty percent (50%) of the total project budget from other sources.

99-3-2407. General conditions for Level III construction projects - dams and reservoirs.

(a) Except as otherwise specifically provided, each Level III dam and reservoir construction project identified in this article shall be subject to the following general conditions:

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(i) Each sponsor shall offer security for the project loan as deemed adequate and acceptable to the attorney general;

(ii) The commission shall establish repayment schedules for project loans in accordance with the conditions prescribed in this section;

(iii) Each sponsor shall supervise design and construction of the project and submit all requests for payment to the commission for approval;

(iv) A sponsor shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans;

(v) The commission shall make payments directly to the sponsor;

(vi) The sponsor shall be responsible for operation and maintenance of the project;

(vii) The sponsor is responsible for all project expenditures in excess of the total project appropriation;

(viii) If the commission determines that any sponsor has, without good cause, abandoned completion of the project, that sponsor, in addition to being required to repay the loan, shall be obligated to immediately repay the full amount of all grant funds actually expended plus interest as established by the state treasurer in an amount equal to the interest that would have accrued on the expended grant funds in the water development account from the date of expenditure;

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(ix) Principal and interest payments made in repayment of loans shall be deposited in water development account III;

(x) There shall be no lease, sale, assignment or transfer of ownership of water from the project for purposes other than the designated project purpose without prior written approval of the commission and the state engineer or board of control. If such a transaction is approved, the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project shall be utilized to retire principal on the project loan. After that loan is paid in full, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of water from the project equal to the percentage of the project paid by the project grant;

(xi) There shall be no lease, sale, assignment or transfer of ownership of any project until the project loan is paid in full, and until prior written approval is obtained from the commission. If these conditions are met, the sponsor shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project paid by the project loan and the state of Wyoming shall receive a proportionate share of the revenues generated by the lease, sale, assignment or transfer of ownership of the project equal to the percentage of the project paid by the project grant. Before the sponsor may lease, sell, assign or transfer ownership of the project, the state of Wyoming shall be given a one (1) year first right of refusal option to purchase the

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sponsor's interest in the project for an amount equal to the principal, interest, maintenance and replacement costs incurred by the sponsor at the date the option is exercised;

(xii) After the project loan is paid in full, the sponsor may purchase the position of the state of Wyoming, as described in paragraphs (x) and (xi) of this subsection, for the amount of the project grant plus the interest that would have accrued on the grant amount in the water development account from the date the project was substantially completed as defined by the commission. The interest that would have accrued on the grant amount shall be established by the state treasurer;

(xiii) Any funds generated by the state from the lease, sale, assignment or transfer of ownership of any project or project water shall be deposited in water development account III.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-1106(a)(iv), (vii), (b)(iv) and (vii), 99-3-1804(d)(iv), (v), by creating a new paragraph (vi) and by amending and renumbering (vi) and (vii) as (vii) and (viii), 99-3-1903(c)(vi) and (k)(iv) through (vi), 99-3-1904(f)(vii) and (m)(iv) through (vi), 99-3-2104(c)(iv), (v) and (vii), 99-3-2203(a), (e)(vii)(B), 99-3-2204(a), 99-3-2205(a), (c)(iv), (v) and (vi) by creating a new subparagraph (D), 99-3-2303(a), (b)(iv) through (vi) and (vii)(B), 99-3-2304(a), 99-3-2305(a) and 99-99-1001(a) by creating a new paragraph (x) and by creating a new subsection (o) are amended to read:

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

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There are created the following sponsor's contingency funds:

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

(iv) Total project budget: ~~Two million dollars (\$2,000,000.00)~~ Three million dollars (\$3,000,000.00);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~two million dollars (\$2,000,000.00)~~ three million dollars (\$3,000,000.00) 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; and

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

(iv) Total project budget: ~~One million three hundred thousand dollars (\$1,300,000.00)~~ Two million dollars (\$2,000,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~one million three hundred thousand dollars (\$1,300,000.00)~~ 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 II on July 1, 2025; and

99-3-1804. Level III construction projects - rehabilitation.

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(d) Project - Eden Valley Farson Lateral Rehabilitation:

(iv) Total project budget: ~~Four million seven hundred thirty two thousand dollars (\$4,732,000.00)~~ Five million three hundred thousand nine hundred thirteen dollars (\$5,300,913.00);

(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 ~~two million three hundred sixty six thousand dollars (\$2,366,000.00) or fifty percent (50%)~~ three million seventy-six thousand dollars (\$3,076,000.00) or fifty-eight and four hundredths percent (58.04%) 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, project land procurement, construction engineering and construction of the project an amount not to exceed two hundred thousand dollars (\$200,000.00) or three and seventy-seven hundredths percent (3.77%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines that project benefits accrue to the sponsor, at an annual interest rate of four percent (4%);

~~(vi)~~ (vii) Appropriation: There is appropriated from water development account II to the commission ~~two million three hundred sixty six thousand dollars (\$2,366,000.00)~~ three million two hundred seventy-six thousand dollars (\$3,276,000.00) 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 II on July 1, ~~2020~~2021;

~~(vii)~~(viii) Special conditions:

(A) The sponsor is responsible for acquiring ~~fifty percent (50%)~~thirty-eight and nineteen hundredths percent (38.19%) of the project ~~phase I~~ budget from other sources;

(B) The 2015 appropriation of two million one hundred thirty-two thousand five hundred dollars (\$2,132,500.00) for this project is contingent upon approval from the legislature and the governor of a supplemental budget request in the 2015 legislative session to provide additional funding for water development account II.

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

(c) Project - Casper Zone 3 Improvements:

(vi) Appropriation: There is appropriated from water development account I to the commission three million six hundred eighty-five thousand dollars (\$3,685,000.00) 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, ~~2019~~2020;

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

(iv) Total project budget: ~~Five million two hundred thousand dollars (\$5,200,000.00)~~Nine million two hundred thousand dollars (\$9,200,000.00);

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(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 ~~two million six hundred thousand dollars (\$2,600,000.00)~~ four million six hundred thousand dollars (\$4,600,000.00) 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 ~~two million six hundred thousand dollars (\$2,600,000.00)~~ four million six hundred thousand dollars (\$4,600,000.00) 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;

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

(f) Project - Piney & Cruse Canal Piping:

(vii) Appropriation: There is appropriated from water development account II to the commission eight hundred fifty-five thousand dollars (\$855,000.00) 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, ~~2019~~ 2022.

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

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(iv) Total project budget: ~~Two million two hundred thousand dollars (\$2,200,000.00)~~ Three million six hundred thousand dollars (\$3,600,000.00);

(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 ~~one million one hundred thousand dollars (\$1,100,000.00)~~ one million eight hundred thousand dollars (\$1,800,000.00) 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 ~~one million one hundred thousand dollars (\$1,100,000.00)~~ one million eight hundred thousand dollars (\$1,800,000.00) 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 II;

99-3-2104. Level III construction projects - rehabilitation.

(c) Project - Cokeville Tri-Diversion Structure:

(iv) Total project budget: ~~Four hundred thousand dollars (\$400,000.00)~~ Six hundred eleven thousand nine hundred forty-five dollars (\$611,945.00);

(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

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of the project an amount not to exceed ~~two hundred sixty-eight thousand dollars (\$268,000.00)~~ three hundred eighty-eight thousand nine hundred thirty-five dollars (\$388,935.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vii) Appropriation: There is appropriated from water development account II to the commission ~~four hundred thousand dollars (\$400,000.00)~~ five hundred twenty thousand nine hundred thirty-five dollars (\$520,935.00) 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, ~~2021~~ 2022.

99-3-2203. 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 the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-103(a)(iii) shall not apply to these projects.

(e) Project - Gillette Regional Extensions 2017:

(vii) Special conditions:

(B) The sponsor shall authorize water use in Crook County, subject to the following conditions:

(I) ~~Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps~~

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A total of five (5) municipal use, including stock use, taps will be provided from the existing eight (8) inch ~~transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and~~ twelve (12) inch diameter treated water pipelines located generally in the vicinity of the City of Gillette's Madison Well Field in Crook County on a first come, first served basis;

(II) ~~Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water~~ Any additional or existing taps in Crook County. located on the eight (8) and twelve (12) inch diameter treated water pipelines shall be used solely for rural domestic use;

(III) Existing water service agreements in Crook County shall remain in full force and effect;

(IV) Any new water service agreement entered into under this subparagraph shall be similar in form to existing individual and wholesale water service agreements previously executed prior to 2018 in Crook and Campbell counties;

(V) The water rates, connection charges and fees associated with taps provided under this

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subparagraph shall be identical to similar rates, charges and fees assessed to city of Gillette water customers, in accordance with city ordinances;

(VI) Any additional or future water districts formed in the immediate vicinity of the City of Gillette's Madison Well Field shall be able to connect to the eight (8) and twelve (12) inch diameter treated water pipelines. The water districts shall be served as a regional, wholesale water customer. Any new district shall own, operate and maintain their system downstream of a master meter. The city shall own the water pipelines and infrastructure from the eight (8) and twelve (12) inch diameter treated water pipelines up to and including the master meter within the control building. The city has no obligation to plan, finance, develop or construct an additional or future regional extension project in Crook County; and

(VII) New water customers from the existing eight (8) and twelve (12) inch diameter treated water pipelines shall be limited to forty thousand (40,000) gallons per month for rural domestic use and eighty thousand (80,000) gallons per month for municipal use, including stock use, during the city's high demand months of June, July, August and September.

99-3-2204. 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 the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-104(a)(iii) shall not apply to these projects.

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

(a) Authorization is granted for the Level III dams and reservoirs construction projects identified in this section subject to the general conditions specified in W.S. 99-3-106, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-106(a)(iii) shall not apply to these projects.

(c) Project - Middle Piney Reservoir:

(iv) Total project budget: ~~Twelve million one hundred sixty eight thousand dollars (\$12,168,000.00)~~ Fourteen million two hundred twenty-eight thousand dollars (\$14,228,000.00);

(v) Appropriation: There is appropriated from water development account III to the commission for project land procurement, construction engineering and construction of the project ~~twelve million one hundred sixty eight thousand dollars (\$12,168,000.00)~~ fourteen million two hundred twenty-eight thousand dollars (\$14,228,000.00) 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, 2022;

(vi) Special conditions:

(D) Upon approval by the commission, five hundred thousand dollars (\$500,000.00) from this appropriation shall be deposited in the Middle Piney reservoir account created by W.S. 99-99-1001(a)(x).

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99-3-2303. 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 the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-103(a)(iii) shall not apply to these projects.

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

(iv) Total project budget: ~~Two million seven hundred thousand dollars (\$2,700,000.00)~~ Two million two hundred fifty-seven thousand dollars (\$2,257,000.00);

(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 eight hundred nine thousand dollars (\$1,809,000.00)~~ one million five hundred twelve thousand one hundred ninety dollars (\$1,512,190.00) 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 eight hundred nine thousand dollars (\$1,809,000.00)~~ 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

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appropriated under this subsection shall revert to water development account I on July 1, 2023;

(vii) Special conditions:

(B) The sponsor shall authorize water use in Crook County, subject to the following conditions:

(I) ~~Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps~~ A total of five (5) municipal use, including stock use, taps will be provided from the existing eight (8) inch ~~transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and~~ twelve (12) inch diameter treated water pipelines located generally in the vicinity of the City of Gillette's Madison Well Field in Crook County on a first come, first served basis;

(II) ~~Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water~~ Any additional or existing taps in Crook County ~~located on the eight (8) and twelve (12) inch diameter treated water pipelines shall be used solely for rural domestic use;~~

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(III) Existing water service agreements in Crook County shall remain in full force and effect;

(IV) Any new water service agreement entered into under this subparagraph shall be similar in form to existing individual and wholesale water service agreements previously executed prior to 2018 in Crook and Campbell counties;

(V) The water rates, connection charges and fees associated with taps provided under this subparagraph shall be identical to similar rates, charges and fees assessed to city of Gillette water customers, in accordance with city ordinances;

(VI) Any additional or future water districts formed in the immediate vicinity of the City of Gillette's Madison Well Field shall be able to connect to the eight (8) and twelve (12) inch diameter treated water pipelines. The water districts shall be served as a regional, wholesale water customer. Any new district shall own, operate and maintain their system downstream of a master meter. The city shall own the water pipelines and infrastructure from the eight (8) and twelve (12) inch diameter treated water pipelines up to and including the master meter within the control building. The city has no obligation to plan, finance, develop or construct an additional or future regional extension project in Crook County; and

(VII) New water customers from the existing eight (8) and twelve (12) inch diameter treated water pipelines shall be limited to forty thousand (40,000) gallons per month for rural domestic use and eighty thousand (80,000) gallons per month for municipal use, including stock use,

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during the city's high demand months of June, July, August and September.

99-3-2304. 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 the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-104(a)(iii) shall not apply to these projects.

99-3-2305. Level III construction projects - dams and reservoirs.

(a) Authorization is granted for the Level III dams and reservoirs construction projects identified in this section subject to the general conditions specified in W.S. 99-3-106, provided that the general condition related to repair and maintenance sinking funds as described in W.S. 99-3-106(a)(iii) shall not apply to these projects.

99-99-1001. Creation; use of funds; interest.

(a) The following accounts are created:

(x) Middle Piney reservoir account.

(o) All revenues received by the state from the lease, sale, assignment or transfer of ownership of power or water resulting from the state's interest in the Middle Piney reservoir and dam, and associated facilities as provided in W.S. 99-3-2205(c), shall be deposited in the account created by paragraph (a)(x) of this section. The Wyoming water

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development commission shall administer the account and use any monies in the account to meet the operation, maintenance and replacement obligations of the state related to the Middle Piney reservoir and dam, and associated facilities.

[TRANSFER OF FUNDS]

Section 3. Pursuant to W.S. 99-99-1001(c), the Wyoming water development commission has reviewed the Buffalo Bill dam account and determined there to be five million five hundred thousand dollars (\$5,500,000.00) in funds in excess of that amount needed to meet obligations of the Buffalo Bill dam account as specified in W.S. 99-99-1001(e). The Wyoming water commission is hereby authorized to transfer five million five hundred thousand dollars (\$5,500,000.00) from the Buffalo Bill dam account created by W.S. 99-99-1001(a)(ii) to water development account II created by W.S. 41-2-124(a)(ii).

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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 Senate.

Chief Clerk