

ENROLLED ACT NO. 93, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET 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 appropriations; providing for a sponsor's contingency fund; modifying project descriptions, amounts and terms of appropriations for specified prior projects; transferring funds from the Buffalo Bill dam account to water development account II; and providing for an effective date.

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

Section 1. W.S. 99-3-2501 through 99-3-2505 are created to read:

ARTICLE 25
2020 CONSTRUCTION PROJECTS

99-3-2501. Definitions.

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

99-3-2502. General authorization.

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

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

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

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

(b) Project - Big Horn Regional Transmission 2020:

(i) Project sponsor: Big Horn Regional Joint Powers Board;

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

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

(iv) Total project budget: Six million five hundred ten thousand dollars (\$6,510,000.00);

(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 four million three hundred sixty-one thousand seven hundred dollars (\$4,361,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission four million three hundred sixty-one thousand seven hundred dollars (\$4,361,700.00) 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, 2025;

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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.

(c) Project - Cheyenne Transmission, Pump Station and Tank 2020:

(i) Project sponsor: City of Cheyenne Board of Public Utilities;

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

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

(iv) Total project budget: Twelve million three hundred sixty thousand dollars (\$12,360,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed eight million two hundred eighty-one thousand two hundred dollars (\$8,281,200.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission eight million two hundred eighty-one thousand two hundred dollars (\$8,281,200.00) or as much thereof as is necessary to carry

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out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, 2025;

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

(d) Project - Cloud Seeding Medicine Bow Mountains 2020-2021:

(i) Project sponsor: The state of Wyoming;

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

(iii) Project description: Conduct an operational winter snowpack augmentation program during the 2020-2021 fall, winter and spring seasons;

(iv) Total project budget: Seven hundred fifty thousand dollars (\$750,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office seven hundred five thousand dollars (\$705,000.00) 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, 2022;

(vi) Special conditions:

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

(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.

(e) Project - Cloud Seeding Wind River Mountains 2020-2021:

(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 2020-2021 fall, winter and spring seasons;

(iv) Total project budget: Five hundred thirty thousand dollars (\$530,000.00);

(v) Appropriation: There is appropriated from water development account I to the Wyoming water development office two hundred thousand dollars (\$200,000.00) 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, 2022;

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(vi) Special conditions:

(A) The state of Wyoming shall participate at a rate up to thirty-seven percent (37%) of actual project operations costs not to exceed one hundred ninety-five thousand dollars (\$195,000.00);

(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.

(f) Project - Gillette Regional Extensions - Phase V 2020:

(i) Project sponsor: City of Gillette;

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

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

(iv) Total project budget: Four million six hundred ten thousand dollars (\$4,610,000.00);

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(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account I through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed three million eighty-eight thousand seven hundred dollars (\$3,088,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission three million eighty-eight thousand seven hundred dollars (\$3,088,700.00) 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, 2025;

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

(g) Project - Glenrock Transmission Pipeline 2020:

(i) Project sponsor: Town of Glenrock;

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

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

(iv) Total project budget: One million four hundred thirty thousand dollars (\$1,430,000.00);

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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 nine hundred fifty-eight thousand one hundred dollars (\$958,100.00) 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 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;

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

(h) Project - Guernsey Transmission Pipeline 2020:

(i) Project sponsor: Town of Guernsey;

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

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

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(iv) Total project budget: Three million eighty thousand dollars (\$3,080,000.00);

(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 two million sixty-three thousand six hundred dollars (\$2,063,600.00) 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 million sixty-three thousand six hundred dollars (\$2,063,600.00) 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 I on July 1, 2025;

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

(j) Project - Newcastle Water System Improvements 2020:

(i) Project sponsor: City of Newcastle;

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

(iii) Project description: Design and construction of pumping facility upgrades and appurtenances

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necessary to make the project function in the manner intended;

(iv) Total project budget: One hundred seventy thousand dollars (\$170,000.00);

(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 hundred thirteen thousand nine hundred dollars (\$113,900.00) 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 hundred thirteen thousand nine hundred dollars (\$113,900.00) 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;

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

(k) Project - Northwest Rural Water System Improvements 2020:

(i) Project sponsor: Northwest Rural Water District;

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

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

(iv) Total project budget: One million ten thousand dollars (\$1,010,000.00);

(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 six hundred seventy-six thousand seven hundred dollars (\$676,700.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account I to the commission six hundred seventy-six thousand seven hundred dollars (\$676,700.00) 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, 2025;

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

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

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

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

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

(iv) Total project budget: Four million six hundred thirty thousand dollars (\$4,630,000.00);

(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 one hundred two thousand one hundred dollars (\$3,102,100.00) 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 one hundred two thousand one hundred dollars (\$3,102,100.00) 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;

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

99-3-2504. Level III construction projects - rehabilitation.

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

(b) Project - Big Horn Canal Irrigation District Wasteway/Check Replacement 2020:

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

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million six hundred sixty thousand dollars (\$1,660,000.00);

(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 one hundred twelve thousand two hundred dollars (\$1,112,200.00) 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

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through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed five hundred forty-seven thousand eight hundred dollars (\$547,800.00) 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 one million six hundred sixty thousand dollars (\$1,660,000.00) 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.

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

(i) Project sponsor: Cottonwood Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million five hundred forty thousand dollars (\$1,540,000.00);

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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 one million thirty-one thousand eight hundred dollars (\$1,031,800.00) 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 eight thousand two hundred dollars (\$508,200.00) or thirty-three percent (33%) 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) 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.

(d) Project - Deaver Irrigation District Frannie Canal Drop Chute #1 2020:

(i) Project sponsor: Deaver Irrigation District;

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(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Two hundred ninety-nine thousand six hundred ten dollars (\$299,610.00);

(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 sixty-six thousand two hundred dollars (\$166,200.00) 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 sixty-six thousand two hundred dollars (\$166,200.00) 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, 2025;

(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.

(e) Project - Dry Creek Irrigation District Transmission Pipeline Replacement 2020:

(i) Project sponsor: Dry Creek Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million three hundred forty thousand dollars (\$1,340,000.00);

(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 eight hundred ninety-seven thousand eight hundred dollars (\$897,800.00) 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

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through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed four hundred forty-two thousand two hundred dollars (\$442,200.00) 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 three hundred forty thousand dollars (\$1,340,000.00) 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;

(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.

(f) Project - Eden Valley Irrigation and Drainage District Farson Lateral 2020:

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

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Design and construction of transmission pipelines and appurtenances

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necessary to make the project function in the manner intended;

(iv) Total project budget: Three million seven hundred seventy thousand dollars (\$3,770,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed two million two hundred sixty-two thousand dollars (\$2,262,000.00) or sixty percent (60%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission two million two hundred sixty-two thousand dollars (\$2,262,000.00) 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:

(A) The sponsor is responsible for acquiring forty percent (40%) 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.

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(g) Project - Enterprise Watershed Improvement District Canal Lining 2020:

(i) Project sponsor: Enterprise Watershed Improvement District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Six hundred ten thousand dollars (\$610,000.00);

(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 eight thousand seven hundred dollars (\$408,700.00) 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 two hundred one thousand three hundred dollars (\$201,300.00) 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

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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 ten thousand dollars (\$610,000.00) 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.

(h) Project - Kirby Ditch Irrigation District Pipeline 2020:

(i) Project sponsor: Kirby Ditch Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: two million three hundred ten thousand dollars (\$2,310,000.00);

(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 five hundred forty-seven thousand seven hundred dollars (\$1,547,700.00) 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 seven hundred sixty-two thousand three hundred dollars (\$762,300.00) 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 two million three hundred ten thousand dollars (\$2,310,000.00) 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.

(j) Project - Laramie Valley Diversion Structure 2020:

(i) Project sponsor: Laramie Valley Municipal Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

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(iv) Total project budget: One million one hundred fifty thousand dollars (\$1,150,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction of the project an amount not to exceed seven hundred seventy thousand five hundred dollars (\$770,500.00) 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 seventy-nine thousand five hundred dollars (\$379,500.00) 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 one hundred fifty thousand dollars (\$1,150,000.00) 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.

(k) Project - Savery-Little Snake River Water Conservancy District Savery Creek Diversion 2020:

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(i) Project sponsor: Savery-Little Snake River Water Conservancy District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: Four hundred fifty thousand dollars (\$450,000.00);

(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 one thousand five hundred dollars (\$301,500.00) or sixty-seven percent (67%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission three hundred one thousand five hundred dollars (\$301,500.00) 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, 2025;

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

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

(i) Project sponsor: Sidon Irrigation District;

(ii) Project purpose: Agricultural water supply;

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

(iv) Total project budget: One million seven hundred fifty-three thousand eight hundred fifty-seven dollars (\$1,753,857.00);

(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 sixty thousand dollars (\$1,060,000.00) 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) 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:

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(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.

99-3-2505. Sponsor's contingency fund.

There are created the following sponsor's contingency funds:

(a) Project - Sponsor's Contingency Funds - Account III:

(i) Project sponsor: Any eligible sponsor;

(ii) Project purpose: Variable purpose water storage projects;

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III, dam and reservoir construction projects where construction budgets have been rendered insufficient due to change in conditions, inflation, or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the project;

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(iv) Total project budget: Ten million dollars (\$10,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission sufficient supplemental funds which may be used to complete the projects up to an amount not to exceed the public benefits as computed by the commission;

(vi) Project loan: The state of Wyoming shall loan to the sponsor from water development account III through the commission sufficient supplemental funds which may be used to complete the project up to an amount not to exceed an amount equal to the difference of the total project cost and the grant, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission ten million dollars (\$10,000,000.00) 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, 2030;

(viii) Special conditions: The commission is authorized to consider and approve supplemental funding to complete existing water development program Level III construction projects anytime during the calendar year.

[AMENDMENTS TO PRIOR PROJECTS]

Section 2. W.S. 99-3-1106(b)(iv) and (vii), 99-3-1403(m)(iv) through (vii) and (viii)(A), 99-3-1603(f)(vii), 99-3-1903(g)(vii) and (k)(iv) through (vi), 99-3-1904(m)(iv) through (vi), 99-3-2003(b)(vi),

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(d)(vi) and (k)(vi), 99-3-2004(n)(vi), 99-3-2005(b)(vi), 99-3-2205(d)(iv) through (vii) and (e)(iv) through (vii), 99-3-2305(b)(vi), (vii) and by creating new paragraphs (viii) and (ix), 99-3-2404(f)(iii) through (vi) and 99-3-2406(p)(iii) through (vii) are amended to read:

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

There are created the following sponsor's contingency funds:

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

(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 II 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 II on July 1, 2025; and

99-3-1403. Level III construction projects - new development.

(m) Project - Riverton Water Supply:

(iv) Total project budget: ~~Twelve Million eight hundred thousand dollars (\$12,800,000.00)~~ Thirteen Million nine hundred thousand dollars (\$13,900,000.00);

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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 ~~eight million five hundred seventy six thousand dollars (\$8,576,000.00)~~ nine million three hundred thirteen thousand dollars (\$9,313,000.00) 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 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 eighty thousand dollars (\$1,280,000.00) or ~~ten percent (10%)~~ nine and two-tenths percent (9.2%) of the actual development costs, whichever is less, for a term of twenty (20) years from the date the commission determines project benefits accrue to the sponsor, at an annual rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account I to the commission ~~nine million eight hundred fifty six thousand dollars (\$9,856,000.00)~~ ten million five hundred ninety-three thousand dollars (\$10,593,000.00) 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, ~~2020-2021~~;

(viii) Special conditions:

(A) The sponsor is responsible for acquiring ~~twenty-three percent (23%)~~ twenty-three and eight

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tenths percent (23.8%) of the total project budget from other sources;

99-3-1603. Level III construction projects - new development.

(f) Project - GR/RS/SC Raw Water Reservoir:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million two hundred eighty-two thousand dollars (\$8,282,000.00) 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 I on July 1, 2020-2022;

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

(g) Project - Laramie North Side Tank:

(vii) Appropriation: There is appropriated from water development account I to the commission eight million five hundred three thousand dollars (\$8,503,000.00) 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, 2020-2022;

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

(iv) Total project budget: Nine million two hundred thousand dollars (\$9,200,000.00) Eleven million three hundred twenty-six thousand dollars (\$11,326,000.00);

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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 ~~four million six hundred thousand dollars (\$4,600,000.00)~~ five million six hundred sixty-three thousand dollars (\$5,663,000.00) 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 ~~four million six hundred thousand dollars (\$4,600,000.00)~~ five million six hundred sixty-three thousand dollars (\$5,663,000.00) 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;

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

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

(iv) Total project budget: ~~Three million six hundred thousand dollars (\$3,600,000.00)~~ Five million three thousand five hundred ninety dollars (\$5,003,590.00);

(v) Project grant: The state of Wyoming shall grant to sponsors from water development account II through the commission for the design, permit procurement, project land procurement, construction engineering and construction

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of the project an amount not to exceed ~~one million eight hundred thousand dollars (\$1,800,000.00)~~ two million five hundred one thousand seven hundred ninety-five dollars (\$2,501,795.00) or fifty percent (50%) of the actual development costs, whichever is less;

(vi) Appropriation: There is appropriated from water development account II to the commission ~~one million eight hundred thousand dollars (\$1,800,000.00)~~ two million five hundred one thousand seven hundred ninety-five dollars (\$2,501,795.00) or as much thereof as is necessary to carry out the purpose of this subsection. The funds appropriated shall not lapse at the end of any fiscal period but shall carry over until expended or reverted by the legislature to water development account II;

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

(b) Project - Arapahoe Pipeline and Tank:

(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) 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, ~~2020-2023~~;

(d) Project - Casper Zone II 2015:

(vi) Appropriation: There is appropriated from water development account I to the commission one million seven hundred twenty-eight thousand six hundred dollars (\$1,728,600.00) or as much thereof as is necessary to carry

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out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2020~~2021;

(k) Project - Lower Nowood Rural Water Supply:

(vi) Appropriation: There is appropriated from water development account I to the commission one million six hundred ninety-six thousand nine hundred dollars (\$1,696,900.00) 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, ~~2020~~2022;

99-3-2004. Level III construction projects - rehabilitation.

(n) Project - Wind River Irrigation Rehabilitation 2015:

(vi) Appropriation: There is appropriated from water development account II to the commission one million four hundred eighty-two thousand one hundred twenty-one dollars (\$1,482,121.00) 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, ~~2020~~2022;

99-3-2005. Level III construction projects - Storage.

(b) Project - Sheridan Supplemental Storage Level III:

(vi) Appropriation: There is appropriated from water development account III to the commission five

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million six hundred twenty-eight thousand dollars (\$5,628,000.00) 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 III on July 1, ~~2020~~2025;

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

(d) Project - Alkali Creek Reservoir:

(iv) Total project budget: ~~Thirty-five million dollars (\$35,000,000.00)~~ Fifty-nine million dollars (\$59,000,000.00);

(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 ~~thirty-two million nine hundred thousand dollars (\$32,900,000.00)~~ fifty-six million nine hundred thousand dollars (\$56,900,000.00) or ~~ninety-four percent (94%)~~ ninety-six and four tenths percent (96.4%) 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 two million one hundred thousand dollars (\$2,100,000.00) or ~~six percent (6%)~~ three and six tenths percent (3.6%) of actual development costs, whichever is less, for a term of fifty (50) years from the date the commission determines that project benefits accrue

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to the sponsor, at an annual interest rate of four percent (4%);

(vii) Appropriation: There is appropriated from water development account III to the commission ~~thirty-five million dollars (\$35,000,000.00)~~ fifty-nine million dollars (\$59,000,000.00) 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.

(e) Project - Leavitt Reservoir Expansion:

(iv) Total project budget: ~~Forty-one million dollars (\$41,000,000.00)~~ Forty-six million dollars (\$46,000,000.00);

(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 ~~thirty-nine million three hundred nineteen thousand dollars (\$39,319,000.00)~~ forty-four million three hundred nineteen thousand dollars (\$44,319,000.00) or ~~ninety-five and nine tenths percent (95.9%)~~ ninety-six and three tenths percent (96.3%) 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) or ~~four and one tenth percent (4.1%)~~ three and seven tenths percent (3.7%) of

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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 III to the commission ~~forty-one million dollars (\$41,000,000.00)~~ 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.

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

(b) Project - West Fork Reservoir:

(vi) Appropriation: There is appropriated from water development account III to the commission four million six hundred ninety-eight thousand dollars (\$4,698,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required for the project. Additional appropriations and funding sources shall be identified to provide full funding for the project before any bids are let for construction. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, ~~2021-2026~~;

(vii) Special conditions: Except as provided in paragraph (viii) of this subsection and subject to paragraph (ix) of this subsection, funds from this appropriation shall not be expended until the project

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sponsor and the Wyoming water development commission have secured additional funding commitments from project beneficiaries in both Wyoming and Colorado on a pro rata basis. Funds from this appropriation shall not be expended until the expenditure is approved by the legislature~~i-~~

(viii) Special conditions: Notwithstanding paragraph (vii) of this subsection, funds from this appropriation may be expended for items listed in subparagraph (v)(A) of this subsection provided that the project beneficiaries provide matching funds at a rate established by the Wyoming water development commission for this project;

(ix) Any federal funds obtained by the project sponsor to be used as matching funds as provided in this section shall only be expended if matched in the ratio of one dollar (\$1.00) of water development account III funds to not less than one dollar (\$1.00) of matching federal funds to be credited toward each state's pro rata share of the project. No more than one million two hundred fifty thousand dollars (\$1,250,000.00) from water development account III shall be expended for matching funds under this paragraph.

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

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

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

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(iv) Total project budget: ~~Three hundred forty thousand dollars (\$340,000.00)~~ Five million four hundred fifty thousand dollars (\$5,450,000.00);

(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 ~~two hundred twenty seven thousand eight hundred dollars (\$227,800.00)~~ three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00) 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)~~ three million six hundred fifty-one thousand five hundred dollars (\$3,651,500.00) 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 I on July 1, 2024;

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

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

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

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(iv) Total project budget: ~~Three hundred eighty-eight thousand dollars (\$388,000.00)~~ Five million five hundred thirty-eight thousand dollars (\$5,538,000.00);

(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,~~ construction engineering and construction of the project an amount not to exceed ~~two hundred fifty-nine thousand nine hundred sixty dollars (\$259,960.00)~~ three million seven hundred ten thousand four hundred sixty dollars (\$3,710,460.00) 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,~~ construction engineering and construction of the project an amount not to exceed ~~one hundred twenty-eight thousand forty dollars (\$128,040.00)~~ one million eight hundred twenty-seven thousand five hundred forty dollars (\$1,827,540.00) 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)~~ five million five hundred thirty-eight thousand dollars (\$5,538,000.00) 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 II on July 1, 2024.

[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 seven million dollars (\$7,000,000.00) 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 development commission is hereby authorized to transfer seven million dollars (\$7,000,000.00) 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).

Section 4. The state of Wyoming shall grant to the city of Sundance from water development account I through the commission an amount not to exceed two hundred twenty-five thousand dollars (\$225,000.00) to pay for a deobligation of federal emergency management act loan funds related to the Sundance storage tank 2012 project. There is appropriated from water development account I to the commission two hundred twenty-five thousand dollars (\$225,000.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this section shall revert to water development account I on July 1, 2024.

Section 5. Notwithstanding W.S. 41-2-121(a)(ii)(E)(I), the state of Wyoming shall grant to the Goshen Irrigation District from water development account II through the commission an amount not to exceed two hundred thousand dollars (\$200,000.00) to pay for the

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planning, permitting and design necessary to make the Goshen Irrigation District Tunnels 1 and 2 Rehabilitation Project function in the manner intended. There is appropriated from water development account II to the commission two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this section shall revert to water development account II on July 1, 2025. Notwithstanding any state law pertaining to competitive bidding requirements and residency preferences, the department and the Goshen Irrigation District shall be authorized to continue working with its current engineer for the planning, permitting and design of the project.

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BILL NO. HB0097

ENGROSSED

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Section 6. 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