

CHAPTER 114

ORIGINAL SENATE
FILE NO. 0056

ENROLLED ACT NO. 36, SENATE

FORTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
1986 BUDGET SESSION

AN ACT to amend W.S. 41-2-210(e) and by creating new subsections (g) and (h); and to repeal W.S. 41-2-210(c)(iii) and (vi) and (f) relating to the Cheyenne Stage II water project; authorizing construction of a conveyance pipeline from Rob Roy Reservoir to Lake Owen and from Lake Owen to the Crow Creek drainage; authorizing the water development commission to market excess and effluent Stage II waters; providing for an appropriation; and providing for an effective date.

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

Section 1.

(a) The Cheyenne Stage II conveyance pipeline project consists of constructing a conveyance pipeline from Rob Roy Reservoir to Lake Owen and from Lake Owen to the Crow Creek drainage, including such appurtenances as are required for diversion, operation and maintenance. The conveyance pipeline, a major component of Stage II of the Little Snake diversion facilities defined in W.S. 41-2-204(a)(ii) and (iii), will increase transmission capacity so that the city of Cheyenne may effectively utilize collection and storage features authorized and funded by W.S. 41-2-209 through 41-2-211.

(b) The state of Wyoming shall grant to the city of Cheyenne, from the Wyoming water development account provided by W.S. 39-6-305(g), an amount not to exceed forty-seven million three hundred thousand dollars (\$47,300,000.00), as deemed necessary by the economic development and stabilization board resulting in a cumulative thirty-seven and three tenths percent (37.3%) loan and sixty-two and seven tenths percent (62.7%) grant for the entire Stage II project. Grant funds may be used for construction costs identified in the approved final plans and specifications, and approved change orders, for construction engineering, and to meet necessary and reasonable project expenses not directly identified in the final plans and specifications or change orders but which have been granted prior written approval by the economic development and stabilization board. Grant funds authorized under this subsection shall not

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be applied to the payment of obligations incurred prior to the commencement of Level IV activities authorized by this act. The city of Cheyenne is responsible for all project design and construction expenditures in excess of the total projected project budget.

Section 2. W.S. 41-2-210(e) and by creating new subsections (g) and (h) is amended to read:

41-2-210. Projects authorized; state grant; permanent mineral trust fund loan.

(e) All water in excess of the needs of the city of Cheyenne within the service area of the city produced by Stage II of the project shall be assigned to and marketed by the Wyoming water development commission for as long as the excess water is available or until July 1, 2036, whichever is earlier. The first option to purchase not more than eighty percent (80%) of the surplus water shall be extended to cities, towns and special districts within the North Platte basin for the benefit of their inhabitants at a negotiated cost. Sales contracts entered into by the commission shall be administered by the economic development and stabilization board. To optimize the amount of excess Stage II water available for marketing without jeopardizing water supplies necessary to meet the city of Cheyenne's municipal needs, the city shall develop a Stage II management plan acceptable to the water development commission and the state engineer. The board shall transfer thirty-seven and three tenths percent (37.3%) of the proceeds from the sale of excess Stage II water to the city of Cheyenne which it shall apply to the repayment of the loan provided by subsection (c) of this section until the loan is repaid.

(g) All effluent from the city of Cheyenne's sewage treatment plant resulting from Stage II municipal water (Stage II effluent) shall be assigned to and marketed by the Wyoming water development commission until the city of Cheyenne develops the ability and the need to recycle or use that water for municipal purposes. Sale contracts entered into by the commission shall

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be administered by the economic development and stabilization board. The board shall provide thirty-seven and three tenths percent (37.3%) of the proceeds of the sale of Stage II effluent to the city of Cheyenne for its use. The water development commission may withdraw up to sixty-two and seven tenths percent (62.7%) of the Stage II effluent from sale and the city of Cheyenne may withdraw up to thirty-seven and three tenths percent (37.3%) of the Stage II effluent from sale. If either the city or the commission withdraws any portion of its share of Stage II effluent from the market its share of revenues generated by sale of the remainder shall be reduced proportionately. The sale or withdrawal from sale of Stage II effluent shall not be accomplished without consultation among the commission, the city and the state engineer. Because the effluent affected hereby is a by-product of the Stage II dams and pipeline projects, there are no restrictions on the city of Cheyenne's use of its share of the revenues generated by the sale of Stage II effluent.

(h) Any revenues to the state from the lease, sale, assignment or transfer of excess Stage II water or Stage II effluent as provided in subsections (e) and (g) of this section shall be deposited in the Wyoming water development account funded by revenues under W.S. 39-6-305(g).

Section 3. W.S. 41-2-210(c)(iii) and (vi) and (f) is repealed.

Section 4.

(a) There is appropriated from that portion of the water development account funded from revenues pursuant to W.S. 39-6-305(g) to the economic development and stabilization board forty-seven million three hundred thousand dollars (\$47,300,000.00) or as much thereof as is necessary to carry out the purposes of this act. Unexpended funds appropriated under this section shall revert to the water development account funded by revenues under W.S. 39-6-305(g) on July 1, 1996.

(b) There is appropriated from that portion of the water

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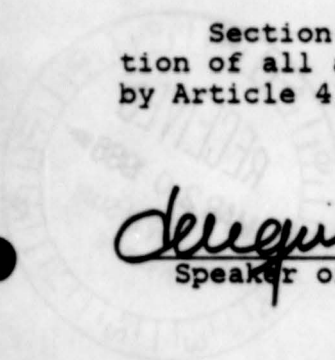
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development account funded from revenues pursuant to W.S. 39-6-305(g) to the Wyoming water development commission one hundred thousand dollars (\$100,000.00) or as much thereof as necessary to administer the sale of excess Stage II water and Stage II effluent.

Section 5. 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)


Dequino A. Sidi
Speaker of the House

Herald E. Meis
President of the Senate

Ed Hensler
Governor

TIME APPROVED: 8:17 AM

DATE APPROVED: 5/20/86

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I hereby certify that this act originated in the Senate.

Nelson E. Wren Jr.

Chief Clerk



[Signature]
President of the Senate

[Signature]
Speaker of the House

[Signature]
Governor

TIME APPROVED: 8:17 AM

DATE APPROVED: 3/18/86