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86 LSO - 0309

SENATE FILE 0057,

AN ACT to authorize the Gooseberry Reservoir project; describing the project; providing for financing from the water development account through the economic development and stabilization board; providing restrictions on the sale of water, sale of the project and the operation of the project; providing for an appropriation; and providing for an effective date.

Sebet Water Committee

R. Cheney

[illegible]

CONTINUED ON BACK

SF57 INTRO Date 2-18-86

SENATE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL			✓	
DIXON			✓	
DUSL				✓
EDDINS			✓	
FANOS			✓	
FRISBY				✓
GETS				
HICKEY			✓	
HINCKLEY				✓
KINNEY				✓
KINNISON				✓
LARSON			✓	
MADER			✓	
MOORE				✓
NICHOLAS				✓
NORRIS				✓
PERRY			✓	
PREVEDEL				✓
REESE				✓
SCHMIDT				✓
SCOTT				✓
STROOCK			✓	
SULLIVAN			✓	
TROWBRIDGE			✓	
TRUE				✓
TURNER			✓	
VINICH				✓
WIEDERSPAHN			✓	
ZIMMER				✓
MR. PRESIDENT			✓	

PRESENT	AYES	15
	NOES	15
	EXCUSED	0
	ABSENT	0
	TOTAL	30

457 INTRO Date 2-19-86SENATE ROLL CALL
FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL			✓	
DIXON			✓	
DUSL				✓
EDDINS			✓	
FANOS			✓	
FRISBY				✓
GEIS				
HICKEY		✓	✓	
HINCKLEY			✓	
KINNEY			✓	
KINNISON	✓			
LARSON			✓	
MADER			✓	
MOORE			✓	
NICHOLAS				✓
NORRIS				✓
PERRY			✓	
PREVEDEL				✓
REESE				✓
SCHMIDT			✓	
SCOTT				✓
STROOCK				✓
SULLIVAN			✓	
TROWBRIDGE			✓	
TRUE				✓
TURNER				✓
VINICH			✓	
WIEDERSPAHN				✓
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT

AYES

18

NOES

11

EXCUSED

6

ABSENT

30

TOTAL

House of Intro				Second House			
To Com. No. _____				To Com No. _____			
_____	Stand Report	Do	Amd Not	_____	Stand Report	Do	Amd Not
_____	Com Whole	Do	Amd Not	_____	Com Whole	Do	Amd Not
_____	2nd Reading	Amd		_____	2nd Reading	Amd	
_____	3rd Reading	Amd	Pass Fail	_____	3rd Reading	Amd	Pass Fail

1986

STATE OF WYOMING

86LSO-0309.01

SENATE FILE NO. 0057

Gooseberry Reservoir project.

Sponsored by: SELECT WATER COMMITTEE

A BILL

for

1 AN ACT to authorize the Gooseberry Reservoir project;
 2 describing the project; providing for financing from the
 3 water development account through the economic development
 4 and stabilization board; providing restrictions on the
 5 sale of water, sale of the project and the operation of
 6 the project; providing for an appropriation; and providing
 7 for an effective date.

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

9 Section 1. Definitions.

10 (a) As used in this act:

1 (i) "Board" means the Wyoming economic devel-
2 opment and stabilization board;

3 (ii) "Commission" means the Wyoming water
4 development commission;

5 (iii) "District" means the Gooseberry Creek
6 Irrigation District;

7 (iv) "Project" means the enlargement of
8 Gooseberry Reservoir project as described in Section 2 of
9 this act;

10 (v) "Water development account" means the
11 account created by W.S. 39-6-302(c) and 39-6-305(g).

12 Section 2. Project Components.

13 (a) The Gooseberry Reservoir project consists of the
14 following components:

15 (i) The Gooseberry dam;

16 (ii) An emergency spillway;

17 (iii) Dam outlet works;

18 (iv) Dam access road;

1 (v) Embankment instrumentation;

2 (vi) Gaging stations;

3 (vii) Utility and road relocations as neces-
4 sary to construct and implement the project;

5 (viii) Appurtenances necessary to make the
6 project complete and function in the manner intended.

7 Section 3. Authorization.

8 (a) The commission is authorized to expend remaining
9 funds in the appropriation for this project provided by
10 Chapter 52, Section 5(b)(iii), 1984 Wyoming Session Laws,
11 as amended, to perform the following:

12 (i) Prepare environmental impact statements or
13 assessments, as required;

14 (ii) Perform final designs;

15 (iii) Prepare plans and specifications;

16 (iv) Obtain options, land exchanges or pur-
17 chase agreements for the necessary project lands and ease-
18 ments, if deemed appropriate by the commission;

19 (v) Procure the 404 Permit from the United

1 States Army Corps of Engineers, the 401 Permit from the
2 department of environmental quality, and the permit to
3 construct from the Wyoming state engineer's office;

4 (vi) Perform other incidental work required to
5 prepare the project for construction.

6 (b) The board shall contract with the district for
7 the construction and operation of the project in a manner
8 consistent with Sections 4 and 5 of this act and to admin-
9 ister the contract on behalf of the state of Wyoming.

10 (c) Upon execution of the contract outlined in Sec-
11 tion 3(b), the commission may authorize the district to
12 acquire the necessary project lands and easements.

13 (d) Upon completion of tasks outlined in Section
14 3(a) and (b) of this act, the district may construct and
15 operate the project in a manner consistent with the terms
16 and conditions outlined in the contract provided for in
17 Sections 3(b) and 4 of this act.

18 Section 4. Project Financing.

19 (a) The state of Wyoming shall loan to the district
20 from the water development account through the board as
21 authorized by W.S. 9-2-1405 for the construction engineer-

1 ing, permit procurement, land acquisition and construction
2 of the project an amount not to exceed one million three
3 hundred twenty-five thousand dollars (\$1,325,000.00) or
4 twenty-five percent (25%) of the actual development costs,
5 whichever is less, for a term of fifty (50) years at an
6 annual interest rate of four percent (4%) provided:

7 (i) The district offers security as deemed
8 adequate and acceptable to the attorney general;

9 (ii) The board establishes a repayment sched-
10 ule in accordance with the conditions prescribed in this
11 act;

12 (iii) The district establishes a sinking fund
13 for repair and maintenance of the project as deemed appro-
14 priate by the board;

15 (iv) Payment of interest and principal and
16 accrual of interest on the loan shall be deferred until
17 three (3) years after substantial completion of the proj-
18 ect as determined by the board. The loan shall be amor-
19 tized over the remaining forty-seven (47) years of the
20 term;

21 (v) Principal and interest payments made in
22 repayment of the loan shall be deposited in the Wyoming

1 water development account funded by revenues under W.S.
2 39-6-305(g).

3 (b) The state of Wyoming shall grant to the district
4 from the water development account through the board as
5 authorized by W.S. 9-2-1405 for the construction engineer-
6 ing, permit procurement, land acquisition and construction
7 of the project an amount not to exceed three million nine
8 hundred seventy-five thousand dollars (\$3,975,000.00) or
9 seventy-five percent (75%) of the development costs,
10 whichever is less.

11 (c) The district shall supervise construction of the
12 project and submit all requests for payment to the board
13 for approval.

14 (d) The board shall, upon review and approval of the
15 district's request, make payments directly to the dis-
16 trict.

17 Section 5. Terms; management plan; restriction on
18 sale of water and the project; loan acceleration.

19 (a) There shall be no lease, sale, assignment or
20 transfer of ownership of water from the project for pur-
21 poses other than the district's agricultural use without
22 written prior approval of the board and the state engineer

1 or board of control. If such a transaction is approved,
2 the revenues generated by the lease, sale, assignment or
3 transfer of ownership of water from the project shall be
4 utilized to retire principal on the loan described in Sec-
5 tion 4(a) of this act. After that loan is paid in full
6 the district shall receive twenty-five percent (25%) of
7 the revenues generated by the lease, sale, assignment or
8 transfer of ownership of water from the project and the
9 state of Wyoming shall receive seventy-five percent (75%)
10 of the revenues generated by the lease, sale, assignment
11 or transfer of ownership of water from the project.

12 (b) There shall be no lease, sale, assignment or
13 transfer of ownership of the project until the loan
14 described in Section 4(a) is paid in full, and until prior
15 written approval is obtained from the board and the com-
16 mission. If these conditions are met, the district shall
17 receive twenty-five percent (25%) and the state of Wyoming
18 shall receive seventy-five percent (75%) of the revenues
19 generated by the lease, sale, assignment or transfer of
20 ownership of the project. Before the district may lease,
21 sell, assign or transfer ownership of the project, the
22 state of Wyoming shall be given a one (1) year first right
23 of refusal option to purchase the district's interest in
24 the project for an amount equal to the principal, inter-

1 est, maintenance and replacement costs incurred by the
2 district at the date the option is exercised.

3 (c) After the loan described in Section 4(a) of this
4 act is paid in full, the district may purchase the posi-
5 tion of the state of Wyoming, as described in subsections
6 (a) and (b) of this section, for the amount of the grant
7 described in Section 4(b) of this act plus the interest
8 that would have accrued on the grant amount in the water
9 development account from the date the project was substan-
10 tially completed as defined by the board. The interest
11 that would have accrued on the grant amount shall be
12 established by the state auditor.

13 (d) Any revenues generated by the state from the
14 lease, sale, assignment or transfer of ownership of proj-
15 ect water or the project itself shall be deposited in the
16 Wyoming water development account funded by revenues under
17 W.S. 39-6-305(g)

18 (e) The district shall be responsible for operation
19 and maintenance of the project.

20 Section 6. There is appropriated from that portion
21 of the water development account funded by revenues under
22 W.S. 39-6-305(g) to the board five million three hundred

1 thousand dollars (\$5,300,000.00) or as much thereof as is
2 necessary to carry out the purpose of this act. Unex-
3 pended funds appropriated under this section shall revert
4 to the water development account funded by revenues under
5 W.S. 39-6-305(g) on July 1, 1992.

6 Section 7. This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming Consti-
9 tution.

10 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
_____	_____	_____
_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____

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<u>Anticipated COST to:</u>	<u>Fiscal Year 1986</u>	<u>Fiscal Year 19</u>
Water Development Account I	\$5,300,000.00	
TOTAL ESTIMATED COST	\$5,300,000.00	

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1. The bill provides for the appropriation shown.
2. No apparent personnel impact.