

CHAPTER 78

WILLWOOD DAM REHABILITATION PROJECT

Original Senate File No. 41

AN ACT to authorize the Willwood Dam rehabilitation project; describing the project; specifying terms for funding the project; providing for an appropriation; and providing for an effective date.

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

**Section 1. Definitions.**

(a) As used in this act:

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

(ii) "District" means the Willwood irrigation district;

(iii) "Project" means the Willwood Dam rehabilitation project as described in Section 2 of this act;

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

**Section 2. Project Components.**

(a) The Willwood Dam rehabilitation project consists of the following:

(i) Replace a portion of the downstream apron and right wingwall; and

(ii) Appurtenances necessary to make the project complete and function in the manner intended.

**Section 3. Authorization.**

(a) The commission shall contract with the district for the design, construction and operation of the project in a manner consistent with Section 4 of this act and to administer the contract on behalf of the state of Wyoming. If the contract is not executed by July 1, 1991, the funds appropriated under this act shall revert to water development account II.

(b) Upon execution of the contract outlined in Section 3(a) of this act, the district may design, construct and operate the project in a manner consistent with the terms and conditions outlined in the contract provided for in Sections 3(a) and 4 of this act.

**Section 4. Project Financing.**

(a) The state of Wyoming shall loan to the district from water development account II through the commission for the design, permit procurement, construction engineering and construction of the project an amount

not to exceed one hundred fifty-eight thousand four hundred dollars (\$158,400.00) or thirty-three percent (33%) of the actual rehabilitation costs, whichever is less, for a term of twenty-five (25) years from the date the commission determines benefits accrue to the district, at an annual interest rate of four percent (4%) provided:

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

(ii) The commission establishes a repayment schedule in accordance with the conditions prescribed in this act;

(iii) The district establishes a sinking fund for repair and maintenance of the project as deemed appropriate by the commission; and

(iv) Principal and interest payments made in repayment of the loan shall be deposited in water development account II.

(b) The state of Wyoming shall grant to the district from water development account II through the commission for the design, permit procurement, construction engineering and construction of the project an amount not to exceed three hundred twenty-one thousand six hundred dollars (\$321,600.00) or sixty-seven percent (67%) of the actual rehabilitation costs, whichever is less. If the commission determines that the district has, without good cause, abandoned completion of the project, the district shall be obligated to immediately repay the full amount of all grant funds actually expended under this subsection plus interest as established by the state auditor 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.

(c) The district shall supervise design and construction of the project and submit all requests for payment to the commission for approval.

(d) The district shall not make construction funding commitments until after the commission has reviewed and approved construction budgets and construction plans.

(e) The commission shall make payments directly to the district.

(f) The district is responsible for all project expenditures in excess of the total project budget of four hundred eighty thousand dollars (\$480,000.00).

(g) The district shall be responsible for operation and maintenance of the project.

**Section 5.** There is appropriated from water development account II to the commission four hundred eighty thousand dollars (\$480,000.00) or as much thereof as is necessary to carry out the purpose of this act. Unexpended funds appropriated under this section shall revert to water development account II on July 1, 1993.

**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.

Approved March 21, 1990.