

Operating Criteria of the Small Water Project Program of the Wyoming Water Development Program

A. Introduction:

The purpose of the Small Water Project Program (SWPP) is to participate with land management agencies and sponsoring entities in providing incentives for improving watershed condition and function. Projects eligible for SWPP grant funding assistance include the construction or rehabilitation of small reservoirs, wells, pipelines and conveyance facilities, springs, solar platforms, irrigation works, windmills and wetland developments. Projects should improve watershed condition and function and provide benefit for wildlife, livestock and the environment. Projects may provide improved water quality, riparian habitat, habitat for fish and wildlife and address environmental concerns by providing water supplies to support plant and animal species or serve to improve natural resource conditions.

These criteria provide the Wyoming Water Development Commission (WWDC) and the Wyoming Water Development Office (WWDO) with general standards for evaluating and prioritizing applications for funding from the SWPP. In addition, the criteria serve as a tool to coordinate with the public and other state and federal agencies.

B. Legal and Institutional Constraints:

1. Sponsoring Entity: Pursuant to W.S. 99-3-703(j)(i) and W.S. 99-3-704(g)(i) * funding is available only to eligible public entities.
2. Eligible public entities are defined by state statute and include conservation districts, watershed improvement districts, water conservancy districts, irrigation districts, municipalities, the Joint Business Council of the Eastern Shoshone and Northern Arapaho Indian Tribes, the Business Council of the Eastern Shoshone Indian tribe, the Business Council of the Northern Arapaho Indian tribe, or other approved assessment districts formed in accordance with Wyoming law.
3. Project Description: Pursuant to W.S. 99-3-703(j)(iii) and W.S. 99-3-704(g)(iii), the SWPP may provide for construction or rehabilitation and replacement of small dams, windmills, spring development, pipelines, etc., to impound, develop and convey water for livestock, wildlife, irrigation, environmental and recreational purposes.
4. Project Funding: Pursuant to W.S. 99-3-703(j)(vii) and 99-3-704(g)(vii), a small project is a project where estimated construction or rehabilitation costs, permit procurement, construction engineering and project land procurement are one hundred thousand dollars (\$100,000.00) or less or where the maximum financial contribution from the commission is twenty-five thousand dollars (\$25,000.00) or less.

* For reference and identification only special statute numbers [appearing in Title "99" of the Wyoming Statutes] have been assigned to selected water projects by the legislative service office.

C. Small Water Project Program Definitions:

1. Small Reservoir: A small reservoir is any water storage facility up to twenty feet (20') of dam height and twenty acre-feet (20 AF) of capacity.
2. Well: A well may be eligible for funding depending on the depth of the well and scope of the project. Projects that propose to drill into unproven aquifers, as determined by the WWDC, are not eligible for the SWPP but may be eligible through WWDC conventional water development programs.
3. Solar Platforms: Construction of solar platforms may be eligible for funding through the SWPP.
4. Pipelines and conveyance facilities: Rehabilitation of existing pipelines or conveyance facilities or construction of new pipelines or conveyance facilities may be eligible for funding through the SWPP.
5. Springs: Improving flows of existing springs and installation of collection facilities associated with springs may be eligible for funding through the SWPP.
6. Wetland Development: Development of wetlands where multiple benefits accrue may be eligible for funding through the SWPP.
7. Irrigation: Irrigation projects may be eligible for funding through the SWPP.
8. Windmill: Rehabilitation of existing windmills or construction of new windmills may be eligible for funding through the SWPP.

D. Application and Evaluation Process:

1. Planning for small water projects will be generated by a WWDC watershed study or equivalent as determined by the WWDO. A watershed study will incorporate, at a minimum, available technical information describing conditions and assessments of the watershed including hydrology, geology, geomorphology, geography, soils, vegetation, water conveyance infrastructure, and stream system data. A plan outlining the site specific activities that may remediate existing impairments or address opportunities beneficial to the watershed shall also be included. A watershed study may identify one or more projects that may qualify for SWPP funding. A professional engineer and/or geologist, as appropriate, shall certify any analysis submitted unless generated by a federal agency.
2. Applications shall be received by January 1 of each calendar year. Applications meeting criteria requirements will be considered during the regularly scheduled WWDC meeting in March. Applications shall include a project application, sponsor project referral, project location map, project cost estimates and any letters of authorization or commitment of participation that may be available from other funding sources.

3. Projects that improve watershed condition and function, provide multiple benefits, and meet the funding criteria specified in W.S. 99-3-703(j)(vii) or W.S. 99-3-704(g)(vii), as described in B.4 herein, are eligible for consideration.
4. The sponsoring entity will be required to address the WWDC and provide testimony and other additional supporting evidence that justifies SWPP funding whenever the public benefit documentation, submitted with the application, is deemed to be insufficient by the WWDO.

E. Project Development:

1. The sponsoring entity shall adhere to design standards for small water projects that are provided by the NRCS, an appropriate land management agency or a registered Professional Engineer and/or registered Professional Geologist.
2. Project water rights shall be in good standing with the State of Wyoming prior to construction of the project.
3. If the sponsoring entity initiates the construction process without prior written notification by the Commission, the sponsoring entity shall bear all costs resulting from said action.

F. Program Expenditures:

1. Project Description: Projects that develop unused and/or unappropriated water will be considered SWPP New Development Projects and will be funded from SWPP Account I, which is funded by appropriations from Water Development Account I [W.S. 41-2-124(a)(i)]. Projects that improve completed water projects, decrease operation and maintenance costs, and/or improve efficiency of use of existing water supplies will be considered SWPP Rehabilitation Projects and will be funded from SWPP Account II, which is funded by appropriations from Water Development Account II [W.S. 41-2-124(a)(ii)].
2. Project Funding: W.S. 99-3-703(j)(vii) and W.S. 99-3-704(g)(vii), as described in B.4 herein, establish the funding limitations for the SWPP.
3. Activities eligible for SWPP funding include permit procurement, project land procurement, construction engineering (design and construction inspections), project materials and invoiced contractor expenses. In-kind contributions are only eligible for installation of project materials that were purchased specifically for the project as documented by invoices.
4. Required permits and clearances shall be obtained prior to construction of the project. Copies of the final permits and clearances must be submitted to the WWDO before the WWDO will issue the notice to proceed for construction. WWDC funds may be used as necessary to secure the technical assistance required to complete permitting activities before construction commences.

5. The sponsoring entity shall provide the WWDO an operation and maintenance plan for the estimated life of the project.
6. SWPP funds shall not be used to refinance projects that have already been completed. SWPP funds shall not be used to augment the operating budget of a sponsor or any other entity. Maintenance costs, as determined by the WWDO, are not eligible expenditures under the SWPP. SWPP funding is limited to a one-time construction of a new project or a single rehabilitation of an existing project.
7. A Project Agreement between the WWDC and the sponsoring entity, which documents the roles and responsibilities of the project participants, must be finalized prior to expenditure of SWPP funds. Changes, modifications, revisions or amendments to the Project Agreement may be granted by the WWDC.
8. Construction contractors shall be selected using a competitive bid process.
9. Upon project completion, WWDC funds will be disbursed when a certified bill is received from the sponsoring entity including statement of completion, before and after photographs, project longitude/latitude coordinates and the affidavit of publication documenting the required notices of final settlement were published pursuant to W.S. 16-6-116.
10. If the sponsoring entity submits a certified bill, WWDC funds can be disbursed for a component of a project upon receipt of a certification by the project engineer that the component provides a beneficial use and functions in the manner intended. Retainage on the cost of the component may be held until conditions described in F.9 are met.
11. Upon receipt of WWDC funds, the sponsoring entity shall promptly pay outstanding obligations.
12. Unexpended funds allocated under the Project Agreement will revert to SWPP Account I or SWPP Account II, as appropriate, upon the expiration date of the Project Agreement. Expiration dates may be extended in writing by the WWDC.