

ENROLLED ACT NO. 85, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

AN ACT relating to water; creating a Wyoming Colorado River advisory committee; establishing the purpose and duties of the committee; providing duties of the state engineer; authorizing a position; providing an appropriation; requiring a report; and providing for an effective date.

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

**Section 1.** W.S. 41-11-301 through 41-11-304 are created to read:

ARTICLE 3  
WYOMING COLORADO RIVER ADVISORY COMMITTEE

**41-11-301. Short title.**

This article shall be known and may be cited as the "Wyoming Colorado River Advisory Committee Act."

**41-11-302. Wyoming Colorado River advisory committee; purpose; membership.**

(a) The Wyoming Colorado River advisory committee is created within the state engineer's office. The state engineer's office shall provide administrative services and staffing for the committee.

(b) The purpose of the committee is to advise and inform the governor, the state engineer and Wyoming's commissioner to the Upper Colorado River Commission regarding the beneficial use, development, protection and conservation of water from the Green and Little Snake rivers and their tributaries relative to Wyoming's rights and obligations under the 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact.

ENROLLED ACT NO. 85, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(c) The committee may, at the request of the governor, develop a management plan to ensure that Wyoming can protect and develop water within Wyoming's portion of the Colorado River Basin to ensure that Wyoming can operate within the state's apportionment under the Colorado River compact and the Upper Colorado River Basin compact.

(d) The committee shall meet not less than two (2) times each year and shall meet additionally as necessary upon the request of the state engineer, Wyoming's commissioner to the Upper Colorado River Commission or the majority of the members of the committee.

(e) The committee shall consist of nine (9) members appointed by the governor, one (1) member appointed by the president of the senate and one (1) member appointed by the speaker of the house as follows:

(i) One (1) member representing agricultural irrigation interests that divert and use water from the Green River or its tributaries upstream from the Fontenelle Reservoir;

(ii) One (1) member representing agricultural irrigation interests that divert and use water from the Green River or its tributaries downstream from the Fontenelle Reservoir;

(iii) One (1) member representing agricultural interests that divert and use water from the Little Snake River or its tributaries;

ENROLLED ACT NO. 85, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(iv) One (1) member representing municipal water users that divert and use water from the Green River or its tributaries;

(v) One (1) member representing municipal water users that divert and use water from the Little Snake River or its tributaries;

(vi) Two (2) members representing industrial water users that divert and use water in Wyoming's portion of the Colorado River basin;

(vii) One (1) member representing recreational, fish, wildlife and environmental interests in Wyoming's portion of the Colorado River basin;

(viii) One (1) member representing conservation districts in Wyoming's portion of the Colorado River basin;

(ix) Two (2) legislators, one (1) from each house, appointed by the speaker of the house and president of the senate respectively.

(f) Committee members shall be appointed for a term of four (4) years, except legislators who shall serve only for the term of office during which they were appointed, and may be reappointed for subsequent terms. The governor may appoint some initial members for terms of less than four (4) years to provide for staggered terms. Members appointed to the committee by the governor may also be removed in accordance with W.S. 9-1-202.

(g) Nonlegislative members of the committee shall not receive any fees, salary or other compensation but are entitled to receive per diem and mileage on the same basis

ENROLLED ACT NO. 85, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

and at the same rate as state employees and reimbursement for any other actual and necessary expenses incurred in the performance of committee duties. The legislative members shall receive salary and reimbursement for per diem and travel expenses incurred in the performance of their duties on the committee, as provided in W.S. 28-5-101. Members who are government employees or public officials shall be considered on official business of their agency when performing duties as members of the committee.

(h) The committee shall elect a chairman and vice-chairman from among its members.

**41-11-303. State engineer duties; dissemination of information.**

(a) The state engineer or the state engineer's designated representative shall provide information and data to the committee regarding potential or existing programs, compact obligations or water administration issues or decisions that may affect the beneficial use, development and conservation of water from the Green and Little Snake rivers and their tributaries.

(b) To safeguard the rights and interests of Wyoming, Wyoming's agencies and Wyoming's residents related to the use of water within Wyoming's portion of the Colorado River Basin, the state engineer shall seek advice from the committee before exercising his authority as may be necessary to comply with Wyoming's obligations under the 1922 Colorado River compact and the 1948 Upper Colorado River Basin compact. Discussions under this subsection shall be held in executive session and are privileged and confidential.

ENROLLED ACT NO. 85, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(c) The state engineer shall designate an employee to assist with providing information and data to the committee and to act as a liaison between the state engineer and water users in Wyoming's portion of the Colorado River basin.

(d) Each member of the committee may disseminate information and data provided by the state engineer under subsection (a) of this section to interested stakeholders within the sector that the member was appointed to represent.

**41-11-304. Applicability of public meetings act.**

The Wyoming Colorado River advisory committee shall not be considered an agency as defined in W.S. 16-4-402(a)(ii) for the purposes of W.S. 16-4-401 through 16-4-408. When practicable, meetings of the committee shall be advertised and open to the public.

**Section 2.**

(a) The state engineer is authorized one (1) additional full-time equivalent position for the purposes of W.S. 41-11-303(c).

(b) There is appropriated two hundred thousand dollars (\$200,000.00) from the general fund to the state engineer's office. This appropriation shall only be expended for the purposes of this act including for the employee authorized under subsection (a) of this section and for the provision of per diem and travel expenses of the Wyoming Colorado River advisory committee. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds

ENROLLED ACT NO. 85, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that this appropriation shall be biennialized and included in the standard budget for the state engineer's office for the immediately succeeding fiscal biennium and thereafter.

(c) Not later than July 1, 2024 and each year thereafter until July 1, 2028, the state engineer shall provide an annual report to the select water committee on the recommendations and advice of the Wyoming Colorado River advisory committee.

**Section 3.** This act is effective July 1, 2023.

(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