

X-Stream Fishing

Pop in to the Little Popo Agie

Like most of the great rivers of Wyoming, people have been drawn to the Little Popo Agie for centuries in large part because of the diversity and abundance of plants and animals found along its banks. Elk, deer, antelope and bighorn sheep commonly course the expansive slopes of the Wind River Mountains framing the river today. Folsom hunters from 10 millennia ago pursued woolly mammoth, giant bison and maybe even snagged a few native Yellowstone cutthroat trout on much the same stage. Today, the Little Popo Agie Valley is as colorful and pastoral a setting as any place in the state and offers much the same level of solace and sustenance to visitors as it has throughout time.

The Fishery

The instream flow segment is located entirely within a public fishing area (PFA) that was bought by the Wyoming Game and Fish Department. Brown trout make up over 95 percent of the trout within this stretch of stream, though mountain whitefish are also common. Recent surveys showed the stream held over 1,300 trout per mile. Like most stream fisheries, the majority of trout are less than 12 inches long, but there are plenty of fish bigger than 16 inches to hold your interest. All the fish found in the segment are naturally spawned in the



The Little Popo Agie offers great fishing early in the spring, late in the fall, or any time you want to get in some fishing but don't have time to hike deep into the backcountry. *Photo by Tom Annear*

river, as the department does not stock any trout here. This section of the stream is quite popular with local anglers for early season angling and also for some later fall fishing, but it's also a convenient spot for tourists to try their luck when they don't have time for a long drive and hike in the mountains.

The Instream Flow

Permit Number: 43 I.F.

Priority Date: October 8, 1993

Status of the filing: A public hearing was held in Lander on April 28, 1999. The state engineer approved the water right on January 17, 2006. The Board of Control has not adjudicated the water right.

Location and length: The instream flow segment is 1.4 miles long and is located about 10 miles south of Lander.

Landownership: The Game and Fish Commission has purchased a public fishing easement along both sides of the entire segment. Signs along the highway identify parking areas and other signs along the creek identify the beginning and ending of the public fishing area.

Rationale: The primary purpose of the filing was to protect the investment the commission made in the public fishing area, and the fishing it provides, by ensuring that water would be available at all times of year, when it was available in priority. The different quantities of flow that were recommended will maintain adequate winter habitat for adult and juvenile trout, protect the existing level of productivity for adult and juvenile trout in the summer and sustain adequate water for fall brown trout spawning.

How to get there

From Lander, go about 10 miles south of town on Highway 28 and turn right on a gravel road that's about one mile south of the junction of Highway 28 and 287. There's a public parking area within about a mile of the highway that services the lower end of the segment. There's also a public parking area at the upper end of the segment that can be used by continuing on the main gravel road about another mile and a half.

Clearing the Air on Water

Values, economics and water use are changing

It's been almost 40 years since the first effort was made to change Wyoming water law to accommodate a use of water called instream flow. The first instream flow filing on the Green River in 1969 failed, and it took another 17 years before a law was passed in 1986.

We've lived with that law for another 20 years now. To some this step was a monumental one. To others it was a mere baby step to legally recognize what the majority of citizens felt was a legitimate use of water all along. However you view the situation, it really was a sort of experiment to see if the state could accommodate this "new" use of water without upsetting the apple cart of traditional uses.

Courtesy of 20:20 hindsight, we now know that none of the bad things associated with instream flow that folks worried about 40 years ago ever materialized. There's no sign they ever will. Not surprisingly, while we've been studying the effects of the existing law, there's been growing interest in instream flow and an increasing desire to do even more.

This trend is just a continuation of changing values and economics that's been occurring since the first water found its way from the confining channel of the Bear River near Evanston in 1862 to the adjoining fields. Throughout the

state's development, we've seen quite a change in how we make a living or entertain ourselves since then. Farmers switched from horses to tractors, and graphite replaced bamboo in fly rods long ago. Clearly, the things we value have changed for a lot of reasons, only some of which relate strictly to money.

So it's not at all unusual to see societal values change for using water, too. Of course, not everyone's values are the same, and lots of folks like things just the way they are or were. My granddad wasn't a fan of mechanization and held onto his horses long after he switched to tractors for the majority of his fieldwork. And some folks still think the only way to catch a trout is with a bamboo rod. Sometimes progress forces us to do things differently than we want to, but when it comes to choices in how we use water, that doesn't have to be the case.

I'm often asked what I see for the future of instream flow in Wyoming. Having studied, written and talked about the subject for more than 25 years, it grows clearer by the day that opportunities for instream flow will be greater in the future. Though there's much opportunity on public lands to maintain existing fisheries, there's just as much or more untapped opportunity to restore fisheries on many farms and ranches across the state. But restoring

instream flow for fisheries doesn't make sense in every situation and shouldn't be a mandated goal.

Doing more with instream flow definitely should not threaten existing water right holders if it's done right. That means we need to address four main areas of concern:

1. The next instream flow opportunity pleading for attention deals with temporary changes. As values change for folks, there's nothing to say their goals and objectives won't change in the future. Plus, if an existing right is changed to instream flow, making it a temporary deal allows an easy switch back to the original use.

2. We have to make sure the change doesn't impact anyone else on the stream. This is important, but this protection is already in statute and applies equally to all water rights. An arm of the State Engineer's Office, called the Board of Control, takes this requirement very seriously and scrutinizes every proposed change of water rights to protect all other existing interests in water.

3. Recognizing the growing demands to expand the use of water in streams should add privilege without taking away existing rights. Adding opportunity adds flexibility and value to a property right, and that's especially true when it comes to water. In these times of paper-

slim profit margins in agriculture and limited stream fishing opportunities, anything that adds value or opportunity to either of these interests would be a definite benefit.

4. Allowing an existing water right holder to change an existing right to instream flow should be a voluntary thing done on a case-by-case basis. We shouldn't paint the entire state the same color when it comes to instream flow, as water management on each stream and ranch is based on the unique circumstances of that situation.

The many instream flow bills that have made their way to the legislature the past few years are compelling evidence of the interest in adding flexibility to how we manage water. Looking at the growth in this sentiment over the past 40-odd years, I don't see this interest going away anytime soon. Whether you see it as a baby step or monumental leap, whenever new opportunities for instream flow do occur, they won't change the face of the state overnight, either. The majority of existing water users are going to simply keep doing things the way they've done them for a long time. Instream flow is a useful and important tool, however, to address a variety of important private and public values that didn't exist 144 years ago along the banks of the Bear River.