Providing habitat on Fish Creek
An up-close look at Wyoming’s Instream Flow Water Rights and what they mean to fishermen

The Setting
“The purpose of this letter is to request that the Wyoming Game & Fish Department initiate the necessary investigation for the purpose of obtaining an instream flow right for Fish Creek. . . Very few spawning opportunities exist in the Snake River proper for Snake River cutthroat trout. Consequently the Snake River’s tributaries are vital spawning habitat . . . I feel it is very important that efforts be made to secure a minimum instream flow allocation for this segment of Fish Creek.”

These are words contained in a letter from Ed Ingold, manager of the Crescent H Ranch near Wilson in a letter dated October 15, 1992. One month later Thomas B. Rossetter, an upstream neighbor, submitted a similar letter in which he stated “We are totally supportive of the concept of maintaining minimum instream flow . . . whether on private or publicly held land . . . We request that our land be considered as part of the instream flow section.”

Based on these requests and our agreement with the landowners’ observations, the department prepared and submitted instream flow applications for two segments of Fish Creek near Wilson through private lands.

To date, virtually all other instream flow segments have been filed on stream segments that pass through lands with public lands on at least one side – the vast majority of those have public land on both sides of the stream.

Fish Creek was the first place where the department submitted an instream flow filing on a segment located entirely within privately owned land. Although there is no public access to the instream flow segments, the public can benefit from the trout that are spawned and reared there by angling for fish in the Snake River.

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The Instream Flow
The Instream Flow contains the following information:

- Permit Number: Temporary Filing numbers 28-4/158 and 28-5/158.
- Priority Date: October 8, 1993.
- Quantity: 150 cubic feet per second (cfs) year round.
- Location: Segments 1 (Rossetter’s) and 2 (Crescent H Ranch) are 0.6 and 1.5 miles long respectively with a short break between them. Segment 1 begins about 800 feet downstream from the Highway 22 Bridge in Wilson and segment 2 ends downstream at the southern property line of the Crescent H Ranch.
- Land ownership: All of the lands through which the instream flow segments pass are privately owned on both sides of the stream.
- Rationale: Detailed field studies by department personnel served as the basis for recommendations to maintain spawning and adult habitat for Snake River cutthroat trout. Achieving that goal requires a continuous and adequate flow regime to provide spawning habitat in the spring, protect the eggs while they incubate and hatch during the summer, and maintain survival of all life stages of fish throughout the year.

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How to Get There
Fish Creek flows through the town of Wilson, which can be reached by taking Highway 22 west from Jackson Hole. Although there is no public access to either of the two instream flow segments, the public can benefit from the trout that are spawned and reared there by angling for fish that return to the main stem of the Snake at numerous access points along the Snake or by boat.

For more information about instream flow or to read other X-Stream fishing regulations, visit the department’s web site at: http://gf.state.wy.us/fish/instreamflow/index.asp.