Land a Middle Piney brookie
An up-close look at Wyoming’s instream flow water rights and what they mean to anglers

Long before recorded history, a massive landslide occurred on the mountains above Middle Piney Creek west of Marlinton and Big Piney. The conglomeration of silt, rocks and debris that slid off the hillside swept across the valley floor, creating a high dam and large natural lake. The lake remained relatively undisturbed until a water right application was filed in 1919 to enlarge the natural lake to provide storage for irrigation. The man-made dam was finally completed in 1940 and provided a little more than 4,000 acre-feet of water for local ranchers. As the years passed, the outlet gate quit working and the dam developed seepage problems. Because of the increased risk of dam failure caused by the seeps, the outlet gate was left open, and the lake no longer stores water for irrigation.

The United States Forest Service took ownership of the facility in 1998. Because the dam posed a risk of loss of life or property, the forest service proposed breaching the dam. However, local interests asked the state Water Development Commission to first consider whether it was practical to rebuild the dam and restore its function for irrigation. In 2006, a consulting firm was hired to study the cost of replacing the old dam and compare that expense with the benefits of using the extra stored water to irrigate grass pastures and hay meadows. Even if the costs of a new dam outweigh the benefits of irrigation, the old dam winds up being removed, the original natural lake formed by the landslide would remain and continue to support the lake fishery that exists today.

The fishery
Middle Piney Creek is presently managed as a wild fishery for brook trout and supports relatively high numbers of brookies with smaller numbers of brown trout. The stream receives a relatively high amount of angling use (for Wyoming) in part because brook trout are relatively easy to catch, and there is good road access along the stream on the national forest. Most of the trout in the stream are in the 10- to 12-inch range, but their average size increases as the stream grows larger near the forest service boundary. Area 4 flowing-water fishery regulations apply here, which means the daily limit is three trout in possession, only one can be a cutthroat trout and only one can be more than 16 inches. Natural, legal bait (like salmon eggs and worms) are allowed.

How to get there
Middle Piney Creek is easy to find and is accessible by good paved or gravel roads in all seasons except winter. To get there, take the Middle Piney Road (Highway 350) west from the town of Big Piney. It’s about 18 miles from town to the forest service boundary. Follow forest service signs to Middle Piney Lake and you’ll parallel the stream the entire time you’re on forest service land. There are several places to pull off the road and head down to the creek. You’ll also find a forest service campground near Middle Piney Lake that’s seldom full.

Middle Piney Creek is a great place to catch brook and brown trout. The 3.6-mile instream flow segment is located in the Bridger-Teton National Forest. Photo by Mike Robertson

To get more information about instream flow, visit the Wyoming Game and Fish Department’s Web site at http://gf.state.wy.us/fish/instreamflow

The instream flow
Permit number: Instream Flow Segment Permit Number 38 IF
Priority date: March 11, 1998
Quantity: 4 cubic feet per second (cfs) from Oct. 1 through June 15, and 16 cfs from July 1 through Sept. 30.
Location and length: 3.6 miles
Land ownership: The entire segment is located on lands administered by the U.S. Forest Service, Bridger-Teton National Forest.
Rationale: Because Middle Piney Creek is managed as a wild fishery, the maintenance of adequate stream flow to provide spawning habitat is important. It’s also important to have adequate flow to ensure the growth and survival of all life stages throughout the year. The amounts of water that were filled on for instream flow water rights are intended to meet these specific needs for brook trout. Though the stream is within the historic range of the Colorado River cutthroat trout, none have been recorded here in recent times, and there are no plans to reintroduce them in the stream.
Status of the filing: A public hearing was held in Marlinton on Nov. 9, 1993. A study by the Water Development Commission affirmed the Game and Fish Department’s determination that there is enough water naturally flowing in the stream to meet the recommended flow levels and additional storage is not needed. The state engineer issued this instream flow right on Feb. 23, 2004. The final step in the process of securing this, or any other water right, is called adjudication. The Board of Control has not yet adjudicated this water right.