

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 Marbleton 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 additional irrigation and 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 there 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 baits (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.

The Instream Flow

Permit number:
Instream Flow Segment
Permit Number 36 IF

Priority date: March 11
1991

Quantity: 4 cubic feet
per second (cfs) from
Oct. 1 through June 30,
and 15 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 filed 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 Marbleton 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.



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