

X-Stream Fishing

Powder River's Middle Fork offers great fishing

The Middle Fork of the Powder River rises in the south end of the Bighorn Mountains of north central Wyoming and generally flows in an easterly direction toward the small town of Kaycee. Near its source, the stream carves its way through a deep canyon before exiting into a wide, fertile valley bordered by high red cliffs. Though frequented by fishermen and recreationists today, the area has a long history of use by people.

The region is probably best known for harboring outlaws in the late 1800s. The Middle Fork flows through the Hole-In-The-Wall country made popular when it was used by such colorful characters as Jesse James, the Logan brothers, George "Flat Nose" Currie and Butch Cassidy's Wild Bunch.

The Fishery

The Middle Fork is one of the most productive trout streams in the state, hosting more than 5,000 catchable-size trout per mile. An equal number of smaller fish wait in the wings to test your angling skills when they mature. Rainbow trout slightly outnumber browns through most of the instream flow segment, and there are a few brookies in the very upper headwaters. The majority of trout range between about 8 and 14 inches, though a few



An angler tries his luck on the Middle Fork of the Powder River.

Photo by Tom Annear

individuals up to 17 inches lurk in the deeper holes.

The predominant habitat form through most of the instream flow segment is pocket-pool-type habitat associated with the many boulders scattered in the streambed. At base flow in late summer, most of the stream is less than knee deep, though holes up to 5 feet or more occur with some frequency. You'll find many clean gravel riffles that afford top-quality spawning habitat and habitat for aquatic insect production.

The stream's width, on average, is about 25 to 30 feet. Given the diversity

of aquatic insects in the stream, a wide range of flies will work well. Dry fly fishing is superb with popular patterns being humpies, Adams, and elk hair caddis on number 14 hooks or smaller. Hare's ear nymphs and woolly buggers work well when the fish aren't hitting the surface.

The daily and possession limit is six fish, but all fish between 10 and 16 inches must be released. Only one of the fish you keep may be over 16 inches.

How to Get There

Go about 11 miles west of Kaycee on Highway 190 to Barnum (now just a building at the end of the pavement). Turn south here on a good gravel road and go about three miles. About a half-mile after crossing the Middle Fork (this part is on private land), you'll see a sign directing you west up the slope of the mountain. Though two-wheel-drive sedans have been known to make it up and back from here, you'll find this portion of the trip much easier in a fairly high clearance four-wheel drive vehicle—especially if it rains. This part of the road will parallel the canyon rim above the river for its entire length. There are several trailheads that lead to the stream. Expect at least a half-hour strenuous hike down to the stream and up to an hour to climb out.

The Instream Flow

Permit number: 2 IF
Priority date: Feb. 2, 1987

Status of the filing:

A public hearing was held on May 26, 1988. The water right was approved by the state engineer on November 25, 1989. The Board of Control adjudicated the permit on October 30, 2002.

Quantity: 12 cubic feet per second from July 1 through March 31; 25 cfs from April 1 through June 30.

Landownership:

The entire 9.96-mile instream flow segment is on a mix of lands administered by the state and the Bureau of Land Management.

Clearing the Air on Water

Changing to instream flow is a one-way street

Answer this question: How many of its irrigation water rights has the Wyoming Game and Fish Commission changed to instream flow in the past 19 years? If you answered "none," you're either well-informed, psychic, or just plain lucky. This fact actually is at the root of another question I hear quite a bit—"if instream flows are such a good deal, why hasn't the Game and Fish jumped at the chance to put some or all of its irrigation rights back in the creek for fish?" Anglers, ranchers, legislators and others often seem puzzled by this. Frankly, it's not a matter of what we *want* to do. It's more an issue of what we *can* do.

The main issue here is one of private property rights. The Game and Fish is in some ways very much like a private property owner. We own property, pay property taxes, irrigate land and grow crops. Being a good steward of the property we control is a high priority to us. That means enhancing the productivity of the land we manage, maximizing biological diversity, maintaining clean water and air and ensuring that the land we own today will be in as good or better shape when it's passed to future generations of Wyoming's citizens. Like other landowners, we also have to comply with pertinent state and federal laws.

Legal issues are among the biggest obstacles to changing an existing water right to instream flow—for private landowners and the Game and Fish. Under existing law, changing an irrigation

water right to instream flow is a one-way street. If a landowner changes a right to instream flow, there's no chance of ever using that water right again for irrigation should the ranch or land management objectives change in the future. In fact, the law requires you to give up your water right to the state—not the Game and Fish Commission—if you want to use it for instream flow. What's more, if an upstream user takes the water for your instream flow right out of the stream before it reaches your place, the Game and Fish must ask the Water Development Commission to ask the Board of Control to step in. The landowner would be totally out of this bureaucratic mix and have to rely on others to represent his interests.

In the first years following passage of the instream flow law in 1986, we filed current-day priority applications on some of the best streams in the state. We also started looking for a stream on Game and Fish property that would be a good candidate for changing an existing irrigation right to instream flow. In addition to legal concerns, we found this to be an issue of priorities, too. Which wildlife species did we want to conserve?

Most of our habitat units were acquired in the 1960s and '70s. There was an understanding that the lands were being acquired for very specific purposes, usually big game. Though we have some flexibility to manage these areas for all wildlife, it is essential that we respect the original purpose for which these

lands and waters were acquired.

We have looked hard for opportunities to change some irrigation rights to instream flow, and even though we are absolutely strong supporters of instream flow, the fact is that all of the water rights we have evaluated for changing to instream flow so far are needed to grow forage for big game in most years. So, like a private landowner, as long as the only option for changing an irrigation right to instream flow is a permanent change we are pretty constrained.

Just like most other landowners, this potential loss of both flexibility and ownership of an irrigation right is simply too big a hit for us to take. Water rights are some of the most important properties on most ranches. The ancestors of today's landowners fought hard to establish their water rights, and folks fight just as hard today to keep them.

Some of our neighboring states have found they can allow temporary changes for instream flow, for up to 30 years, without affecting the ownership or standing of the original right and without injuring other water users. That's something we might think about some more in Wyoming.

So the next time you're walking across a Game and Fish property and see us irrigating instead of leaving all the water in the creek, try to remember that we're sticking with the spirit of agreements we made 30 years ago, abiding by existing laws and managing all wildlife the best we can.

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>