

X-Stream fishing on North Piney Creek

An up-close look at Wyoming's instream flow water rights and what they mean to anglers

Far in the western part of Wyoming lies the state's signature mountain range—the Wyoming Range. This sprawling tract of rugged terrain isn't exactly on a main road to anywhere, but it's long been one of the most sought-after destinations for sportsmen in search of world-class big game hunting, spectacular stream fishing, and superlative solitude. Tucked away on the east slope of the Wyoming Range is North Piney Creek, one of many premier trout streams coursing off the mountains.

Over the past several decades, significant oil and gas resources have been discovered in surrounding lowlands. As a consequence of these finds, developers have shown increased interest in exploring for more in the largely unspoiled mountain range. Wyoming relies heavily on revenue and jobs generated by the energy industry, and there's been rapid development all across the state in the past couple of decades. But the specter of seeing that kind of development in one of the state's premier natural areas was a wake-up call to many that there are some areas in the state so special in their natural state that they should be left just as they are. Prominent among those who felt that way was former U.S. Senator Craig Thomas.

Prior to his untimely passing after a courageous battle with cancer, Senator Thomas worked with several sportsmen's groups to craft legislation that would protect the Wyoming Range so future generations of Wyoming citizens could experience the kind of wildness that the state is famous for. He didn't live to see the bill passed but his successor, Senator John Barrasso, took up the cause.

On March 26, 2009, the U.S. House of Representatives passed the Omnibus Public Lands Management Act which included the Craig Thomas Wyoming Range Legacy Act. Less than one week later, President Obama signed the bill into law and conveyed permanent protection to over 1.2 million acres in the Wyoming Range.

The bill ensures that the

public's right to hunt, fish and graze livestock—and experience Wyoming's grandeur—will continue as it has for over a century. In addition to prohibiting future oil and gas leasing, the law includes a buy-out process that respects the property rights of current leaseholders who can voluntarily sell their leases to other entities that are willing to retire the lease.

Like many other folks, Senator Barrasso sees the bill as an important boost for the economic prosperity of the recreation and tourism industry that contributes millions of dollars to the state's economy every year. Many of

those who work in the oil and gas industry share the view of longer-term Wyomingites that this kind of high-quality experience is an essential part of our state heritage that's very much worth protecting.

The Fishery

North Piney Creek is one of the great fishing streams in the state. The stream is large enough to produce trout up to 18 inches long or longer but still small enough to wade, though some of the pools are well over the top of your waders. It's a great place to toss a fly, too, as the streamside vegetation doesn't crowd you out or limit where you can fish too much. The instream flow segment is managed as a wild fishery for native Colorado River cutthroat trout. North Piney Lake is in the headwaters of this drainage. Besides being a great place to fish, it's also where the department collects adult cutthroat trout to use in their hatcheries to produce fish for stocking and restoring this native species in its historic range. Both the stream and the lake are super places to work

toward your CuttSlam. Brook trout are also present as well as native non-game fish such as mottled sculpins and mountain suckers.

The entire instream flow segment is located on public lands, mostly consisting of Forest Service property in the upper portions. Lands along the lower couple miles of the segment are owned and managed by the Bureau of Land Management. There's good road access near the bottom of the stream and though you're unlikely to see many, if any, other anglers near the road, you can almost guarantee finding perfect



solitude by hiking upstream a couple of miles. Area 4 flowing-water fishery regulations apply to the entire stream. That means there's a limit of three trout per day or in possession and only one can be over 16 inches

long. Anglers should note that upstream from the Forest Service boundary they must use only flies and lures.

Rationale

North Piney Creek is managed as a wild fishery, which means that maintenance of adequate stream flow at all times of year is important to ensure perpetuation of the fishery. Different flows are needed at different times of year depending on the specific fishery needs. For example, adequate flows are needed to maintain spawning habitat. It's also important to have adequate flow to ensure the growth of trout during the summer and survival of all life stages throughout the year.

The amounts of water that were filed on were intended to meet these specific needs for native Colorado River cutthroat trout. Higher flows than those that were approved by the state

engineer are needed to maintain long-term habitat conditions by flushing fine sediments and redistributing gravel in the stream. At the present time, the state's instream flow law does not recognize protection for these levels of flow that are also referred to as flushing flows and channel maintenance flows.

Status of the filing

A public hearing was held in Marbleton on November 9, 1993. The state engineer accepted written comments for 30 days after the hearing. Some of the comments provided at the hearing were supportive of the filing, though others questioned how the proposed instream flow right would affect other water rights and the potential for future water development. 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 to maintain the recommended amounts of water is not needed.

In light of these findings and his determination that the recommended instream flow would not negatively affect any other water rights, the state engineer issued this instream flow right on February 10, 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.

How to Get There

North 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 about 18 miles from the town of Big Piney. Just after crossing the Forest Service boundary, the road splits and you should take the right hand fork north about 6 miles. You can get a good map of this and other streams and roads in the area by requesting a map of the Bridger-Teton National Forest at any Forest Service office in Big Piney, Pinedale, Kemmerer, Afton, or Jackson.

The Instream Flow

Permit Number: Instream Flow Segment #1, Permit Number 35 IF.

Priority Date: March 11, 1991

Quantity: 18 to 25 cubic feet per second (cfs) from October 1 to May 14; 35 cfs from May 15 to June 30; and 40 cfs from July 1 to

September 30

Location and length: The instream flow segment is 7.6 miles long. The reach extends from just below the mouth of Lake Creek in Section 16, Township 31 North, Range 115 West downstream to the eastern end of BLM

property in Section 30, Township 31 North, Range 114 West.

Land ownership: The entire segment is located entirely on lands owned and administered by the U.S. Forest Service or Bureau of Land Management.

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>