

X-Stream Fishing on upper Shell Creek

An up-close look at Wyoming's Instream Flow Water Rights and what they mean to fishermen

The Setting

State law requires the State Engineer to hold a public hearing for every instream flow water right. These meetings can be interesting as they typically draw two fairly distinct groups of people – supporters and opponents. Few apathetic people bother to attend. In spite of the singular purpose of hearings, each one has its own unique issues.

At 10 a.m. on March 12, 1997, a small group of landowners and sportsmen gathered in the Bighorn County Courthouse in Basin in the presence of a slightly larger number of state agency employees to share their views on the proposed instream flow water rights on Shell Creek. This was one of the few hearings where strong opposition was not voiced.

However, some in attendance weren't fully supportive of the proposal. Their concerns were largely rooted in a lack of trust as well as a lack of understanding of the kind of change the proposed new water right might cause.

They asked for an additional year to contemplate the issue versus the usual 30 days allowed by the State Engineer to submit comments after the hearing.

They were given an unprecedented 9 months to submit comments, though no additional comments were ever provided.

Other participants were supportive but worried that issuance might actually impede expansion of recreational fisheries opportunities if, for example, the right might somehow stop development of dams (none of which was or is planned) that could provide more recreation.

Others voiced their opinion that the filing was for too little water – especially for brown trout spawning habitat in the fall.

It's been 14 years since this gathering. Though most of their concerns have yet to materialize, and may never, their motivation to get involved and be part of the decision-making process was important.

Wyoming is unique because of the many fervent views and voices that abound here, and the expression of those views benefits us all. To be sure, those who fish or frequent Shell Creek may never know of the impassioned discourse that went into protecting those waters for their personal use, but they will know the enjoyment and solace on Shell Creek that those discussions provided.

The Fishery

Upper Shell Creek is a highly productive mountain stream that flows off the west side of the Bighorn Mountain range. The stream flows swiftly through the narrow confines of Shell Canyon.

Large boulders provide abundant pocket and plunge pools that offer countless opportunities for casting a fly,



spinner or worm.

The deep, dark waters yield rainbow trout with almost iridescent purple and red skin coloration – arguably some of the most colorful to be found. Pines grow right to the edge of the stream along with various willow species, creating a challenge to find the best place to cast a line into that perfect pool.

Flow can be swift and angling can be challenging until the winter snows are almost fully drained off the mountain toward the end of July in most years.

The last detailed fish survey in this segment was in July 2004. That study showed 85 percent of the trout were rainbows; the remainder being brookies. Most of the fish were between 7 and 10 inches, though larger fish are always a possibility. There are more than 1,000 trout per mile, which means you're unlikely to ever run out of eager takers of your lures.

Area 2 flowing water fishery regulations apply. That means there is a limit of six trout per day or in possession, only two of which may be cutthroat and only one trout may exceed 16 inches. There are no special restrictions on terminal tackle.

How to Get There

From the town of Greybull, take Highway 14 east. After crossing the national forest boundary east of Shell, go about 5 miles to the Shell Falls tourist information center right along the highway. The best fishing access is found about 4 more miles east. Turn on Forest Service Road 17 that goes 1.5 miles to the Shell Creek ranger station and campground.

To get here from the east side of the Bighorns, go north from Sheridan on Interstate 25 and turn onto

The Instream Flow

Permit Number: 12-IF.

Priority Date: October 8, 1993.

Quantity: 19 cubic feet per second from Oct. 1 through March 31; 70 cfs from April 1 through June 30; and 40 cfs from July 1 through Sept. 30.

Location and length: 10.5 miles extending downstream from the confluence with Adelaide Creek to Shell Falls.

Land ownership: The entire segment is located on lands administered by the U.S. Forest Service.

Rationale: This is one of two segments on Shell Creek with instream flow water rights – the other being immediately downstream from the end of this one. Habitat conditions, and thus flow needs, are different in each segment, which is why two separate filings were made. Both segments are accessible to the public since the river flows in close proximity to Highway 14 and Forest Service roads.

The recommended flow regime is based on detailed field studies by department personnel in the summer of 1990. These flows are recommended to ensure survival in the winter (October through March), protect habitat for rainbow trout spawning and egg incubation (April 1 through June 30), and maintain adequate growth of trout in the summer (July 1 through Sept. 30).

Status of the filing: The majority of meeting attendees expressed support for the filing. No comments were made that issuance of the right would negatively affect any other water rights or interests. The State Engineer issued this instream flow permit on Feb. 16, 2006. The final step in securing this, or any other water right, is called adjudication. The Board of Control has not yet adjudicated this water right.

Highway 14 at the Dayton exit. Upon reaching Burgess Junction in about 27 miles, stay left on Highway 14 and go another 15 miles to this same Forest Service road turnoff.

There are several semi-primitive campgrounds in addition to the Shell Creek campground. Camping reservations for the Shell Creek Campground can be made by calling 1-877-444-6777 or on-line at: <http://www.recreation.gov/>.

For more information about instream flow, visit <http://gf.state.wy.us/fish/instreamflow/index.asp>.