**Instream Flow**

**Articles and photo by Tom Annear**

## X-Stream Fishing

A taste of X-Stream fishing on the Tongue

The Tongue River has its headwaters in the Bighorn Mountains of northeastern Wyoming and flows east and north before exiting the state into Montana. Near its origins on top of the mountain, the north and south forks flow through low-gradient meadows before joining and carving a deep canyon to the U.S. Forest Service boundary near Dayton.

People have found shelter, sustenance and enjoyment from the cold, clear waters of the Tongue for centuries. One of the notable Indian battles of the late 1860s was fought here when General Patrick Connor made a surprise attack on the Apsahco tribe of Chief Black Bear on the morning of August 29, 1865, that helped bring an end to those conflicts on the Wyoming plains. Today, the river still affords outstanding angling and esthetic experiences where it flows through public lands.

### The Fishery

The first formal fish survey of the Tongue River was done by Professor Barton Evermann on July 20, 1893, a few miles below the mouth of the canyon. His notes show the presence of "mountain trout" (Yellowstone cutthroat trout), "black-nosed dace" (longnose dace) and mountain whitefish. He observed that: "Small parties have reported as many as 800 fish taken with hook and line in a few days."

### The Instream Flow

<table>
<thead>
<tr>
<th>Permit Number:</th>
<th>3 35</th>
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<tbody>
<tr>
<td>Priority Date:</td>
<td>June 15, 1987</td>
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<tr>
<td>Status of the filing: Public hearing was held on August 22, 1988, in Sheridan. The state engineer approved the water right without any reduction of the recommended amounts on March 5, 1990. The Board of Control formally adjudicated the water right on November 6, 1998.</td>
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<td>Location and Length:</td>
<td>The segment extends approximately 8.3 miles downstream from the confluence of the North and South Forks of the Tongue River to where the river leaves a section of state land in section 10, township 55, range 87 north of Dayton.</td>
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<td>Ownership: All lands crossed by the segment are owned by the State of Wyoming or the U.S. Forest Service.</td>
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<td>Relevance: The flows recommended above will maintain brown trout spawning and incubation success by protecting the majority of available flows from October through March (brown trout spawn in the fall). The recommended spring flows will protect rainbow trout spawning and incubation at present or higher levels. Studies done by the Game and Fish Department documented the need for 60 cfs from July 1 through March 31 to maintain existing rates of trout growth in the summer and survival in the winter; 80 cfs in April is needed to maintain existing rates of rainbow trout spawning, and 180 cfs in May and June was needed to ensure adequate habitat for the survival and growth of trout eggs and fry.</td>
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### How to Get There

Take Exit 9 off I-90 (about 15 miles north of Sheridan). Go west on Highway 14 toward Dayton; just as you reach the edge of town and before crossing the river, turn right onto Highway 343. After turning onto Highway 343, look for the Tongue Canyon Road within about a mile on your left. This road parallels the river to the Sheridan County Picnic Ground, where the Tongue Canyon Trail starts. Once you cross onto state lands, you can fish anywhere you wish. You can also take the trail into the canyon.

### Clearing the Air on Water

Instream flow water rights are junior by nature

There’s one question about instream flow that just won’t go away. I heard it again just the other day, and it goes something like, “Isn’t it true that the Wyoming Game and Fish Department really views instream flow as a way to take away existing water rights and put water back in all our streams?”

Though some folks might think this way, the fact is that this view is counter to both state law and our agency mission. It’s not our goal at all. Actually, we spend a lot of time working to improve habitat and fisheries wherever we can, and there’s always more we’d like to do. But our motivation is guided mostly by a state law that assigns our agency the responsibility to manage all fish and wildlife for the benefit of all Wyoming citizens.

Our actions are also driven by an agency mission statement that commits us to conserve all aquatic wildlife and their habitats while balancing our efforts with public desires. As for our instream flow intentions, we have a five-year instream flow plan that details our goals and objectives. The instream flow law itself also provides some very strict criteria under which the state can acquire water for streams and fish. None of these guiding documents gives even the slightest hint that taking away existing water rights in a possibility, let alone a goal.

As much as some people may want to think there really is an agenda to grab water rights away from others without their consent, there’s a practical consideration that makes this idea just plain unrealistic. Wyoming’s water law is based on a system of prior appropriation that lets those who get water rights first use water before those who requested water later. The law establishes that only the State Engineer can issue a water right, which assures that any change in any water right has to go through a formal public process.

What’s more, Wyoming law is also structured to ensure that any changes that do occur may not injure any other water right.

The bottom line is that any notion the Game and Fish really wants to take the water rights of others against their will and use them for instream flow is simply not realistic. The fact is an instream flow right is just another kind of water right that allows us to meet our responsibilities for maintaining and improving the great fishing you’ve become accustomed to in Wyoming.

Though there is indeed much work yet to do, we’re committed to doing our job by focusing on one stream at a time; one stream segment at a time; and where private landowners are involved (on a voluntary basis), with one homeowner at a time. We work hard to conserve wildlife and serve people, and obtaining instream flow water rights for fisheries is just one way for us to provide the best fisheries we can for the many sportmen and women who value our fisheries today. They’re just as important for ensuring that those who come after us have the same opportunities in the future.

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