

# STREAM FLOWS FOR FISH AND PEOPLE



## IF YOU'RE AN ANGLER, BOATER, HUNTER OR HIKER, YOU SHOULD KNOW ABOUT WYOMING'S INSTREAM FLOW WATER RIGHTS

**W**ater is the most important part of stream habitat. Keeping some water in streams all the time for fish seems like a logical thing to most folks, but in the West you need a water right to use water for any purpose. Wyoming has a law that can be used to secure stream water rights - called instream flow rights - for fisheries purposes and it is based on the same laws used for other kinds of water rights.

Instream flow water rights are one tool to protect fish habitat and essential river functions for people and wildlife, while protecting existing water users. It's one of the most powerful and effective tools, too, because once an instream flow right has been obtained from the State Engineer's Office it should last forever.

Instream flows benefit the 48% of Wyoming residents who fish. They also help Wyoming's thriving tourism industry, which in large part depends on flowing streams that provide angling and boating opportunities and enhance sight-seeing, hiking, hunting and camping.

### **FLOWS FOR FISHERIES**

Although a little bit of water in a creek may keep fish alive, a streamflow regime that varies with seasons and from year to year is needed for healthy fish communities and stream systems. High water flows shape a stream channel and create riffles, runs, pools and backwaters that fish need and people enjoy. Other streamflow levels help maintain water quality and temperature, food availability and the amounts and types of wetted habitats available for fish and stream recreationists. Flowing water can also help other wildlife and recreationists by enhancing streamside vegetation and occasionally connecting a river with floodplain and wetland habitats.

While instream flow water rights don't protect the entire streamflow regime, in many streams it is critical to use instream flow rights to keep appropriate seasonal flow levels to provide spawning, feeding, and resting habitats for adult fish. Such seasonal flows also provide conditions needed for survival of eggs and young fish and allow fish to move to spawning areas and overwintering habitats.



Instream flow water rights are intended to protect fisheries while also allowing the secured water to flow down the stream for other uses, such as by cities and ranchers. Instream flow rights allow fisheries to benefit from naturally occurring stream flows up to the permitted flow levels. They are just like any other water right except they allow scientifically determined quantities of water to stay in the stream channel for fisheries.

### **WHERE INSTREAM FLOW WATER RIGHTS ARE**

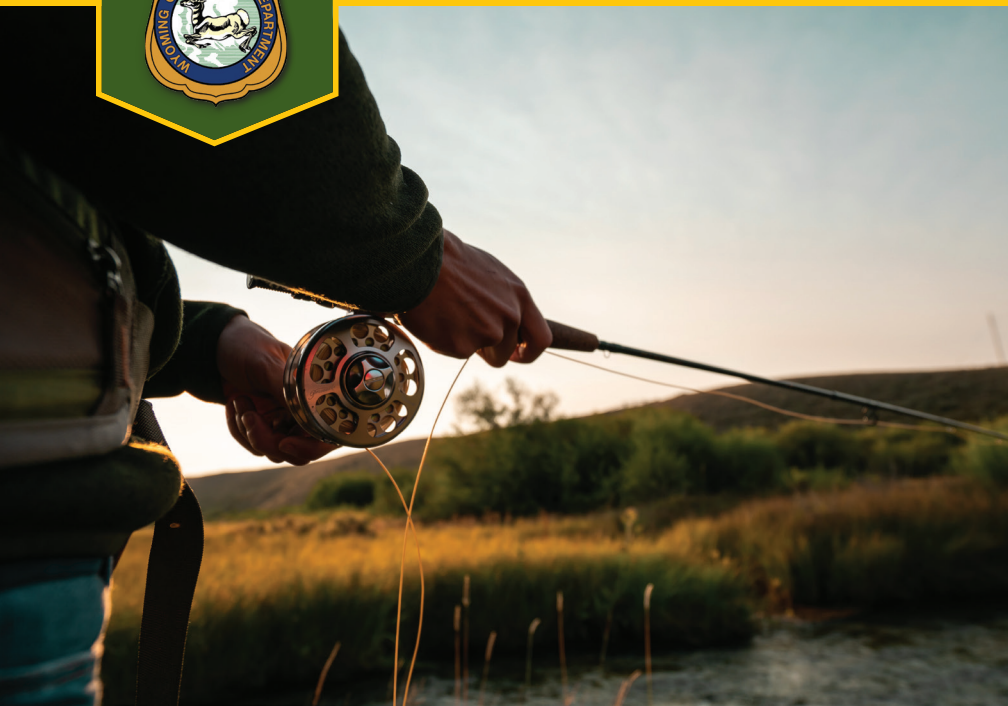
Instream flow water rights exist across Wyoming and have focused on the state's best fishing streams as well as streams with sensitive, native Yellowstone, Bear River, Snake River and Colorado River cutthroat trout. Nearly all instream flow segments are on lands with some public ownership such as U.S. Forest Service, Bureau of Land Management, state lands and public fishing easements. However, the instream flow law

does not allow trespass across private lands to reach an instream flow segment.

There are over a hundred instream flow segments in Wyoming, and many are publicly accessible for fishing. Some you may know, like the Grey's River or Wind River. Others you might still need to explore, like Giraffe Creek or Marquette Creek.

As of January 2020, instream flow rights have been permitted or finalized for 120 distinct segments totaling 514 miles, a small portion of the more than 25,000 miles of streams with fisheries in Wyoming. An additional 25 segments totaling 121 miles are in the application stage. All the instream flow segments are shown at the Wyoming Water Development Office website: [http://wwdc.state.wy.us/instream\\_flows/instream\\_flows.html](http://wwdc.state.wy.us/instream_flows/instream_flows.html)

Game and Fish will never seek instream flow rights on every stream, but there are still places where filings are needed to support fisheries.



### INSTREAM FLOW LAW

In 1986, state legislation was passed extending the same opportunity to secure water in Wyoming stream channels for fish as is allowed for uses of water out of the stream. Instream flow designation as a beneficial use was important because it meant for the first time in Wyoming's history, water could be protected in streams for fish. The first filing was for a 5.8 mile segment of the Clark's Fork River in 1986.

The instream flow law allows other water rights to be sold or donated to Wyoming for permanent conversion to an instream flow water right. The law would need to be changed to allow for temporary use of a water right for instream flow purposes.

The instream flow law does not provide opportunities to secure flows for recreational needs or to protect high flows that shape and maintain stream channels. Flows can be secured only for direct benefit of fisheries.

### INSTREAM FLOW WATER RIGHT PROCESS

For over 30 years, there has been a rigorous, effective application process for establishing instream flow water rights to protect fisheries. The Wyoming Game and Fish Department, Water Development Commission, State Engineer's Office and Board of Control have distinct roles in the process. Each role emphasizes the agency's area of expertise, providing checks and balances in determining an instream flow water right.

Game and Fish's role is to identify stream segments where instream flow water rights for fisheries are critical, conduct field studies and prepare reports to determine the seasonal amounts of streamflow needed for the long-term health of the fisheries. For a look at all the steps in the process, see the instream flow brochure on the X-stream Angler page of the Game and Fish website.



### BECOME AN X-STREAM ANGLER

The X-Stream Angler program encourages anglers to discover where instream flow segments are and why they're important. In exchange for fishing three instream flow segments and filing an application, Game and Fish will recognize an applicant as an X-Stream Angler and commemorate their accomplishment with a hat showing the program logo. More information and suggested fishing trips are available on the X-Stream Angler website: [wgfd.wyo.gov/Fishing-and-Boating/Instream-Flow-XStream-Angler](http://wgfd.wyo.gov/Fishing-and-Boating/Instream-Flow-XStream-Angler)



For more information on instream flow law or its application contact:

**Wyoming Game and Fish Department**  
 (307) 777-4559  
<https://wgfd.wyo.gov/Fishing-and-Boating/Instream-Flow-XStream-Angler>

**Wyoming State Engineer's Office**  
 (307) 777-6475  
<http://seo.wyo.gov/home>

**Wyoming Board of Control**  
 (307) 777-6178  
<http://seo.wyo.gov/agency-divisions/board-of-control>

**Wyoming Water Development Commission**  
 (307) 777-7626  
[http://wwdc.state.wy.us/instream\\_flows/instream\\_flows.html](http://wwdc.state.wy.us/instream_flows/instream_flows.html)