Salt River, an instream flow segment on the edge

Issuing water rights for instream flow tends to raise all sorts of questions for people who may not be familiar with the legitimate use of water for maintaining fisheries for public benefit.

One of the concerns that's been around since the earliest discussions of instream flow rights has been the risk that allowing such uses of water might somehow prevent people in the state from using all the water the state is entitled to use under existing interstate compacts or Supreme Court decrees. Such agreements were developed to affirm the state's right to use specified quantities of water for consumptive uses such as irrigation, municipalities, and industry. There is a mindset among many residents that if the state could somehow keep any water from ever leaving the state, that'd be a good thing (for Wyoming). The fact is, the state has binding agreements or compacts on all the major rivers in the state—the majority of water that originates here is actually delivered to downstream states.

Language in Wyoming's 1986 instream flow law ensures that instream flow water rights don't limit the state's ability to consumptively use all the water the state is entitled to. The law also allows the State Engineer to approve the diversion and consumptive use of water from any instream flow segment that extends to within one mile of any state border or reservoir that's shared with another state.

In 1993, the Wyoming Game and Fish Department initiated an instream flow application on the Salt River near Afton. The downstream end of the segment terminates about two miles upstream from Palisades Reservoir. Although upstream from the one-mile limit that is left unprotected by the instream flow law, the State Engineer's Office was concerned that the filing might affect the state's ability to use all the water allowed for consumptive use under the Snake River Compact. As a result, the application was delayed until the State Engineer could conduct a study.

MARK GOCKE

There are numerous public access areas to the Salt River but one of the best ways to fish the river is by floating from one access area to another.

HDR, a global engineering company, completed its detailed study in June 2012. It concluded that future water uses in the Salt River drainage will remain about the same or decline from present amounts. The report also found that, even if the instream flow right is approved, there is still a large amount of water available for future development. More importantly, the report noted that approval of the instream flow right will not, by itself, increase the amount of water leaving the state or affect the state's ability to fully use all the water allowed under its compact with Idaho. As a result, this instream flow water right—one that's located right on the edge of the state—may soon be allowed to fulfill the promise of all instream flow rights by maintaining some of the best stream fishing to be found anywhere in the country.

THE FISHERY

Salt Creek is regarded by some as one of the best-kept angling secrets in the state. Others wish it was more of a secret. The river is as productive for fish as the agricultural lands through which it flows. The majority of trout in the stream are Snake River cutthroat trout but brown trout are also abundant. The cutts typically range between 11 and 16 inches, but the browns grow considerably larger—fish as large as 10 pounds are not uncommon. Every fall, there's a significant run of browns up the river from Palisades Reservoir that can provide incredible angling for big fish. Native mountain whitefish and bluehead suckers are also present.

Always check current fishing regulations before fishing any water. At press time, fishing regulations allow anglers to catch and keep three trout, of which no more than one may be longer than 16 inches. Anglers may keep no more than one cutthroat over 12 inches long.

HOW TO GET THERE

The Salt River instream flow segment is located on the state school section about four miles south of Alpine and about two miles upstream from Palisades Reservoir. Take U.S. Route 89 south from Alpine and look for the Game and Fish sign indicating public access. There are plenty of other access points along the Salt River, but this segment is the only one for which an instream flow water right has been filed.

For more information about this or other instream flow segments, visit wgfd.wyo.gov/instreamflow

THE INSTREAM FLOW

Permit Number: TF28 3/080

Priority Date: January 5, 1993

Quantity: A year-round flow of 221 cfs was recommended.

Land ownership: The southern half of the instream flow segment is locaated on state trust lands. The northern half of the segment passes through privately owned lands where the Wyoming Game and Fish Department obtained a public fishing access area several years before the instream flow right was filed.

Location and length: This segment is 2.6 miles long and located entirely within sections 16 and 21 of Township 36 North, Range 119 West. The downstream end of the segment is about 2 miles upstream from Palisades Reservoir.

Rationale: Lands along the Salt River are predominantly privately owned so securing public access has been a department priority for years. To ensure the long-term benefit of the department's investment in access, it's imperative to make sure there will be water capable of maintaining the excellent fishery found there. The instream flow water right not only protects the department's investments but also protects fishing opportunities for anglers. The quantity of water for which the right is filed is intended to maintain existing habitat needs for all life stages and species of trout in the lower river.

Status of the filing: The State Engineer's Office held a public hearing in Afton on April 29, 1997. The permit has remained on hold for 16 years pending a formal ruling by the State Engineer as to whether the application was consistent with the requirement that such filings cannot limit the state's ability to consumptively use all the water to which the state is entitled under the interstate compact with Idaho. Now that the assessment is complete, the State Engineer will decide whether to approve the application, reject it, or approve it with modifications.