

LAKE DESMET RESERVOIR
AND
SHORELINE PROTECTION
PUBLIC USE REGULATIONS

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CHAPTER 1-GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known as the “**Lake DeSmet Reservoir and Shoreline Protection – Public Use Regulations.**”

1.2 AUTHORITY

The lands and property owned, maintained, supervised and controlled by Johnson County includes:

“That area lying within the circumferential boundary of that body of water known as Lake DeSmet Reservoir in Johnson County, Wyoming; that boundary being defined at an elevation of 4620 feet above Mean Sea Level (National Geodetic Vertical Datum of 1929).”

A map of the Reservoir Tract and Public Use Areas is attached as Appendix A.

These regulations are adopted by the Johnson County Commission for protection and preservation of rights and lands and waters owned, operated, and/or maintained by Johnson County. Regulations will be administered by the Lake DeSmet Operating Department.

These regulations are adopted and amended pursuant to the authority set forth in Wyoming Statutes §§ 18-3-504(a)(i), and 18-2-101(a)(iv) and promulgated as provided by the Wyoming Administrative Procedures Act, Wyoming Statutes § 16-3-101 et seq.

1.3 PURPOSE

The purpose of this regulation is to:

- A. Conserve and protect the reservoir because of its high scenic and resource value;
- B. Conserve and protect the water quality of the reservoir;
- C. Conserve and protect the value of the lakeshore property;
- D. Provide for the health, safety and welfare of the public users of Lake DeSmet Reservoir;
- E. Preserve and protect the water supply, storage, release, water rights, storage owners, contract users, and lessees;

- F. Preserve the right of Johnson County to alter the water level of Lake DeSmet due to the consumptive use of water, reservoir operation and maintenance, and unforeseen conditions;
- G. Conserve, protect, and regulate public use of lands and waters acquired and administered by Johnson County, inclusive of the public use right to traverse the property owned by Johnson County below the 4620.00 foot elevation (within the Reservoir Tract) and within other public use areas identified within the attached map and on posted signs at Lake DeSmet Reservoir; and
- H. Preserve and protect the reservoir facilities owned and operated by Johnson County and the ability of Johnson County to operate, maintain, repair, and temporary flood associated facilities.

1.4 SEVERABILITY

Where any word, phrase, clause, sentence, paragraph, section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.

1.5. DEFINITIONS

Camp. Camp is to establish temporary occupancy by means of motor vehicles, trailers, tents, lean-tos, other man-made structures, or sleeping equipment.

Commercial or Business Use. Commercial or business uses are those activities that involve the direct sale of commodities or services on land and waters acquired or administered by Johnson County.

Department. Johnson County Lake DeSmet Operating Department.

Designated Noxious Weeds. Designated noxious weeds are the weeds, seeds, or other plant parts that are considered detrimental, destructive, injurious or poisonous, either by their direct effect or as carrier of disease or parasites. Such noxious weeds shall be listed by the Wyoming Board of Agriculture and Wyoming Weed and Pest Council.

Designated Road. Designated roads are established roads that are marked as open to motor vehicles. Unmarked roads are not designated and are closed to motor vehicles.

Established Road. An established road is any road or trail that has been graded or constructed to carry motor vehicles or on which repeated motor vehicle traffic has created well-defined tracks and shall be marked as open to motor vehicles.

Fireworks. Fireworks refer to any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation.

Governing Body. The Johnson County Commission shall act as the Governing Body.

Lands and/or Waters Acquired or Administered. Lands and/or waters acquired or administered means lands and/or waters managed, owned, or operated by Johnson County.

Litter. Litter means to place, throw, scatter, or deposit garbage, debris, refuse, or waste material, objects, or substances upon lands or waters. This includes garbage, debris, refuse or waste material, objects, or substances that enter, from adjacent property, lands or waters within the Public Use Area via acts of nature (flooding, wind, seepage, drainage, runoff, etc.).

Motor Vehicle. Motor vehicle is any self-propelled vehicle, except vehicles moved by human power.

Open Fire. Open fire refers to any outdoor fire including wood stoves and charcoal fires.

Property Line. The Property Line of land owned by Johnson County is the 4620.00 foot elevation as described by the Wyoming State Plane Coordinate System, commonly referred to as the Reservoir Tract.

Public. Public means an individual, partnership, corporation, company, or other type of association, and any agent or officer of an association.

Public Use. Public use is the non-commercial use by the public on lands and waters owned by Johnson County within the Reservoir Tract and other public use area identified on the map in Appendix A and posted at Lake DeSmet Reservoir. Public use shall be determined by Johnson County and shall not conflict with the purpose for which lands and waters were acquired or are administered.

Public Use Area. The Public Use Area is all lands and waters acquired or administered by Johnson County that lies at or below elevation 4620.00 feet and those areas described further in Appendix A and referenced on the attached map. The Public Use Area will be posted on signs at Lake DeSmet Reservoir.

Recreational Livestock. Recreational livestock means, but is not limited to horses, mules, asses, goats, llamas, and alpacas, when such animals are used for recreational purposes.

Recreational Shooting. Recreational shooting is shooting firearms for marksmanship practice and/or recreation and does not involve the taking of fish or wildlife.

Reservoir Tract. Reservoir Tract is defined as that area lying within the circumferential boundary of that body of water known as Lake DeSmet Reservoir in Johnson County, Wyoming; that boundary being defined at an elevation of 4620 feet above Mean Sea Level (National Geodetic Vertical Datum of 1929).

Temporary Shoreline Tie-Up. Temporary shoreline tie-up is defined as the intermittent moorage of private watercraft/aircraft along the shoreline during a period of recreational activity.

Trapping. Trapping is the taking of furbearing animals or predatory animals by use of traps or snares.

Variance. Variance is any activity or use that is not defined as public use or any activity or use that could conflict with the purpose for which the lands or waters was acquired or is administered by Johnson County and is not permitted as a special use by Johnson County.

Weed Free Certification. Weed free certification refers to livestock feed that is in compliance with the “North American Weed Free Forage Program Standards” revised August 8, 1999. A copy of these standards can be viewed at <http://www.nawma.org/documents/WFFStandards.html>.

Wood Cutting. Wood cutting means the felling or removal of standing trees, shrubs, or woody plants on lands and waters acquired or administered by Johnson County within the Reservoir Tract.

CHAPTER 2-PUBLIC USE REGULATIONS

2.1 REGULATION OF PUBLIC USES OF LANDS AND WATERS OWNED OR ADMINISTERED BY JOHNSON COUNTY.

- A. All lands and waters within the Reservoir Tract acquired and administered by Johnson County are open to the public in accordance with this regulation. Johnson County approved signs will designate any exceptions to this regulation.
- B. General rules. This section governs the use of all lands and waters owned or administered by Johnson County within the Reservoir Tract (lying at or below 4620.00 foot elevation) and within the Public Use Area, excluding lands and waters where Johnson County does not have the authority to regulate. Failure to comply with the provisions of this section, unless exempted by this Chapter is a violation of this regulation.

1. No person shall drive a motor vehicle, except on designated or established roads or on frozen water surfaces. Johnson County reserves the right to establish designated entry points to Lake DeSmet. No person shall utilize a motor vehicle for off road travel on lands owned or administered by Johnson County.
2. No person shall camp, except in designated camping areas.
3. All boating registration and operations shall be in accordance with Wyoming Game & Fish Regulations. No person shall seasonally moor a floatation device without authorization of the Department and notification to the Wyoming Game & Fish Department.
4. No livestock shall be corralled, penned, or fenced within the Reservoir Tract without written approval of the Department. Existing or historical livestock grazing uses are exempted from this prohibition and approval requirement. Livestock shall not be tied to trees. Use of recreational livestock for access to the Reservoir Tract is authorized.
5. Pets within the Reservoir Tract shall be leashed or under direct voice control at all times. Amended Johnson County Commissioners' Animal Control Regulations, Resolution 425A will be enforced on all lands within the Reservoir Tract. Said Resolution may be viewed at www.johnsoncountywyoming.org under the Lake DeSmet Operating Department.
6. No person shall engage in wood cutting.
7. No person shall engage in trapping without written permission from the Department.
8. No person shall vandalize, deface, destroy or remove Johnson County owned or authorized signs, structures or facilities.
9. Waterfowl hunting is allowed in accordance with Wyoming Game and Fish Regulations. Recreational shooting is prohibited. No hunting or shooting is allowed in the Mikesell/Potts Recreation Area.
10. Placement or construction of a blind, tree stand, or similar structures for the purpose of hunting or viewing wildlife in the Public Use area shall be removed daily. No pits shall be installed for hunting or viewing wildlife purposes.
11. Pumping of water from the reservoir or associated facilities will be allowed with proper permitting from the Department.

12. Johnson County reserves the right to control commercial or business use on the Public Use area by special use permit, contract, lease, agreement, memorandum of understanding, or other written instrument authorized by the Department. Outfitters licensed for the purpose of outfitting hunters and/or persons outfitting fishermen or other consumptive users of wildlife when that use does not conflict with public use or the purpose for which the lands or waters were acquired or are administered by Johnson County may engage in such activities on lands or waters acquired or administered by Johnson County within the Public Use area.
13. No personal property shall be left for more than 24 hours except as allowed by these Regulations.
14. No person shall litter within the Reservoir Tract.
15. No person shall place any permanent structure, including but not limited to fencing within the Reservoir Tract. However, existing fencing now existing within the Reservoir Tract as shown on the attached Appendix B shall be grandfathered in accordance with Section 3.2 below.
16. No person shall disturb or alter the surface or subsurface within the Reservoir Tract unless a shoreline improvement agreement has been approved by the Department.
17. Any contractor performing any work within the Reservoir Tract, as allowed by these Regulations, must apply for a permit from the Department before commencing work. Such permit is an additional requirement above and beyond the shoreline improvement agreement and is an individual requirement for the contractor.
18. Reserving plots or spaces within the Reservoir Tract is prohibited. All property within the Reservoir Tract shall be available to the public on a first come first serve basis.
19. No person shall maintain an open fire within the Reservoir Tract except within an established fire ring.
20. No person shall discharge any fireworks within the Reservoir Tract.
21. Where and when additional restrictions and/or authorized uses apply, the public will be advised or such uses and/or restrictions by explanatory signs placed at the boundaries or points of access to said lands and waters.

2.2 EASEMENT TRACT

- A. Johnson County maintains flood easement rights around Lake DeSmet between the elevations of 4620 and 4630, as set forth and established in that *Grant of Easement* recorded in the office of the Johnson County Clerk on February 12, 2001, in Book 16 RW at Pages 199-225. Therefore, any party wishing to build permanent structures within the Easement Tract must first sign a recordable waiver acknowledging such easement rights belonging to Johnson County.

CHAPTER 3-ADMINISTRATION

3.1 VIOLATIONS & PENALTIES

A person found violating any of the provision of these regulations may be subject to both civil and criminal penalties. Civil penalties may include, but are not limited to, immediate, temporary, and/or permanent expulsion from the Lake DeSmet property owned and operated by Johnson County. Civil penalties may also include immediate removal of any facilities located on or within Johnson County property and reclamation of the area to natural conditions. Criminal penalties may include, but are not limited to, a misdemeanor conviction punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both. Each day of a continuing violation constitutes a separate offense.

3.2 GRANDFATHERED ACTIVITIES, STRUCTURES, & FACILITIES

“Grandfather” status allows activities, structures, and facilities authorized prior to the effective date of these regulations and under previous policies, decisions, and agreements to remain even though permits or variances for new activities, structures, or facilities of the same type are now required or are no longer issued. These previous commitments will be honored by Johnson County and their representatives. Johnson County shall request the necessary information to issue a permit or variance to owner or responsible party. However, the activity, structure or facility will be reviewed to determine the conditions for complying with their “grandfather” status at either the time of renewal; when ownership changes; if a permit is revoked; following the death of a permittee; at any time the structure is found in disrepair; if the activity is deemed in violation of other state or federal regulations; or if the activity ceases.

“Grandfather” items include, but are not limited to, the following: docks and appurtenant structures, vegetation alterations, dredging and filling, boat ramps, pumps and pump houses, retaining walls, and fences.

The following facilities are grandfathered in by previous agreements: T Cross T Ranch, LLC Boat Dock, T Cross T Ranch, LLC Pumping System, Johnson County Recreation Area at or near Barkey Draw and Mikesell Potts, and Wyoming Game & Fish Boat Ramp & facilities at Barkey Draw, Mikesell/Potts Recreation Area and Monument Access.

3.3 TEMPORARY PRIVATE DOCKS

Temporary private docks may be permitted. Application for a temporary private dock will be made to the Department.

3.4 AMENDMENTS

These regulations may be amended from time to time by Johnson County in accordance with Wyoming Law.

APPROVED AND ADOPTED this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
JOHNSON COUNTY, WYOMING

William Novotny, III, Chairman

Linda Greenough

Robert Perry

Attest:

Vicki Edelman, County Clerk