

ORIGINAL HOUSE
BILL NO. HB0045

ENROLLED ACT NO. 10, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to water; modifying notice requirements for a hearing on a petition to change a point of diversion or means of conveyance; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 41-3-114(f) is amended to read:

41-3-114. Petition to change point of diversion or means of conveyance.

(f) The state engineer or the superintendent shall set a hearing on the petition and ~~give~~require the petitioner to provide thirty (30) days notice by ~~registered mail—certified mail with return receipt requested~~ of the time and place of the hearing to ~~the petitioner and~~ any owners of appropriations which divert between the old and new points of diversion and any owners or users of ditches or facilities to be affected by the proposed change. If the state engineer or the state board of control determines that at least twenty (20) owners of appropriations or owners or users of ditches or facilities require notice of the hearing, the state engineer or the state board of control, in lieu of requiring notice by certified mail with return receipt requested, may allow the petitioner to provide notice of the hearing by regular mail and publication. Notice by publication under this subsection shall be accomplished by publishing notice for two (2) consecutive weeks in a newspaper of general circulation in the county where the new point of diversion is located. The last date of publication shall occur not less than ten (10) days and not more than thirty (30) days prior to the hearing. The petitioner shall provide the superintendent with a record of the proceedings which shall be transmitted to the state board of control with the superintendent's

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report. The state board of control or the state engineer may make such other regulations as may be found necessary. No petition shall be granted if the right of other appropriators will be injuriously affected. The attorney general shall represent the state board of control or the state engineer in any appeal.

Section 2. This act is effective July 1, 2021.

(END)