

SENATE FILE NO. SF0058

Instream flow rights-acquisition.

Sponsored by: Senator(s) Case and Burns and Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to water; amending requirements for the
2 acquisition of temporary water rights as specified;
3 amending the requirements for acquiring existing water
4 rights for instream flows; and providing for an effective
5 date.

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

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9 **Section 1.** W.S. 41-3-110(a) and 41-3-1007(a) are
10 amended to read:

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12 **41-3-110. Right to acquire temporary water rights;**
13 **application; restrictions; fee.**

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1 (a) Any person shall have the right to acquire by
2 purchase, gift or lease the right to the use of water which
3 may be embraced in any adjudicated or valid unadjudicated
4 water right, or any portion thereof, for a period of not to
5 exceed two (2) years, for highway construction or repair,
6 railroad roadbed construction or repair, drilling and
7 producing operations, or any other temporary beneficial
8 purposes, on its own behalf or on behalf of its agents,
9 employees or contractors: provided, that if the proposed
10 use is to be for public highway construction or repair
11 under a contract with the state department of
12 transportation, only the state transportation commission
13 shall have the authority to acquire the water; and the
14 state transportation commission shall have the sole and
15 continuing responsibility for the acquisition, including
16 the payment of all fees, royalties and other consideration
17 for the use of and access to water and the right to acquire
18 the rights to use shall not be delegated to a construction
19 contractor or other third party; and further provided, that
20 any temporary transfer shall be allowed only if no other
21 appropriator is injured thereby.

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1 **41-3-1007. Acquisition of existing rights for**
2 **instream flow purposes.**

3
4 (a) The state of Wyoming may acquire any existing
5 water rights in streams of Wyoming by transfer or gift for
6 the purpose of providing instream flows, provided that a
7 change in use of the right acquired shall be in accordance
8 with W.S. 41-3-104 or temporary use pursuant to W.S.
9 41-3-110. Any right acquired and changed shall be in the
10 name of the state of Wyoming and shall be administered by
11 the state engineer and the board of control, who shall
12 insure that the use of water for instream flows shall not
13 interfere with existing water rights or impair the value of
14 such rights or related property. The game and fish
15 commission shall act as a petitioner in a petition for
16 change in use under this section.

17
18 **Section 2.** This act is effective July 1, 2017.

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(END)