

SENATE FILE NO. SF0065

Temporary water use agreements amendments.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to water; amending temporary water rights
2 as specified; and providing for an effective date.

3

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

5

6 **Section 1.** W.S. 41-3-110(a) and 41-3-111 are amended
7 to read:

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9 **41-3-110. Right to acquire temporary water rights;**
10 **application; restrictions; fee.**

11

12 (a) Any person shall have the right to acquire by
13 purchase, gift or lease the right to the use of water which
14 may be embraced in any adjudicated or valid unadjudicated
15 water right, or any portion thereof, for a period of not to
16 exceed ~~two (2)~~ five (5) years, for ~~highway construction or~~

1 ~~repair, railroad roadbed construction or repair, drilling~~
2 ~~and producing operations, or other temporary purposes, on~~
3 ~~its own behalf or on behalf of its agents, employees or~~
4 ~~contractors; provided, that if the proposed use is to be~~
5 ~~for public highway construction or repair under a contract~~
6 ~~with the state department of transportation, only the state~~
7 ~~transportation commission shall have the authority to~~
8 ~~acquire the water; and the state transportation commission~~
9 ~~shall have the sole and continuing responsibility for the~~
10 ~~acquisition, including the payment of all fees, royalties~~
11 ~~and other consideration for the use of and access to water~~
12 ~~and the right to acquire the rights to use shall not be~~
13 ~~delegated to a construction contractor or other third~~
14 ~~party; and further provided, that any temporary transfer~~
15 ~~shall be allowed only if no other appropriator is injured~~
16 ~~thereby~~ temporary beneficial purposes. The state engineer
17 shall not approve a temporary transfer if it injuriously
18 affects the rights of other appropriators. Prior to the
19 expiration of a temporary transfer, and upon the
20 applicant's request, the state engineer may, in his
21 discretion, renew temporary transfers for successive
22 periods, with no successive period to exceed five (5)
23 years.

1

2 41-3-111. Right to acquire temporary water rights;
3 right of owner who cannot satisfy in full his right during
4 time of diversion.

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6 The owner of any permanent water right, ~~whether prior or~~
7 ~~subsequent~~ which is senior in priority to that temporary
8 right acquired by any person under this act who cannot
9 satisfy ~~in full his~~ the senior right in full during the
10 time said temporary user is diverting water under its
11 temporary water right shall have the absolute right upon
12 demand being made upon the appropriate state water
13 commissioner to cause such diversion to be shut off until
14 such time as said owner's water right is satisfied, or
15 until it is proven that the shutting down of the diversion
16 has no effect upon owner's right.

17

18 **Section 2.** This act is effective July 1, 2024.

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(END)