

SENATE FILE NO. SF0122

Water development amendments.

Sponsored by: Senator(s) Hicks, Driskill and Meier and
Representative(s) Lindholm, McKim and Paxton

A BILL

for

1 AN ACT relating to water development; providing that the
2 water development program is for projects necessary for
3 public benefit as specified; requiring commission members
4 to disclose specified information; requiring the state
5 engineer to maintain a list of beneficial uses of water;
6 providing applicability; and providing for an effective
7 date.

8

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

10

11 **Section 1.** W.S. 41-2-112(a), 41-2-113(a) by creating
12 a new paragraph (iv), 41-2-121(c) by creating a new
13 paragraph (iii) and 41-3-101 are amended to read:

14

15 **41-2-112. Wyoming water development program.**

1

2 (a) The Wyoming water development program is
3 established to foster, promote and encourage the optimal
4 development of the state's human, industrial, mineral,
5 agricultural, water and recreational resources. The program
6 shall provide, through the commission, procedures and
7 policies for the planning, selection, financing,
8 construction, acquisition and operation of projects and
9 facilities for the conservation, storage, distribution and
10 use of water, necessary in the public interest to develop
11 and preserve Wyoming's water and related land resources.
12 The program shall:

13

14 (i) Encourage development of water facilities
15 for irrigation, for reduction of flood damage, for
16 abatement of pollution, for preservation and development of
17 fish and wildlife resources and for protection and
18 improvement of public lands; and ~~shall~~

19

20 (ii) Help make available the waters of this
21 state for all beneficial uses, ~~including but not limited to~~
22 ~~municipal, domestic, agricultural, industrial, instream~~
23 ~~flows, hydroelectric power and recreational purposes,~~ as

1 defined in statute or determined by the state engineer, the
2 conservation of land resources and the protection of the
3 health, safety and general welfare of the people of the
4 state of Wyoming.

5

6 **41-2-113. Definitions.**

7

8 (a) As used in W.S. 41-1-106 through 41-1-108 and
9 41-2-107 through 41-2-118:

10

11 (iv) "Public benefit" for the purpose of
12 participating in water development commission programs
13 means the use of Wyoming's water in the public interest for
14 beneficial uses as defined in statute or determined by the
15 state engineer.

16

17 **41-2-121. Criteria for water development projects;**
18 **disclosure of personal interests by commission.**

19

20 (c) Within sixty (60) days after the effective date
21 of this subsection or within sixty (60) days following
22 appointment and annually on or before January 1, each
23 member of the commission shall file written disclosures

1 relative to all interests held by the member or the
2 member's spouse, including interests in partnerships and
3 corporations, with the secretary of state, of:

4

5 (iii) Any interests in a law firm or legal
6 practice that represents clients with applications for
7 water projects or clients who have water projects that are
8 funded by the commission.

9

10 **41-3-101. Nature of water rights and beneficial use.**

11

12 (a) A water right is a right to use the water of the
13 state, when such use has been acquired by the beneficial
14 application of water under the laws of the state relating
15 thereto, and in conformity with the rules and regulations
16 dependent thereon. Beneficial use shall be the basis, the
17 measure and limit of the right to use water at all times,
18 not exceeding the statutory limit except as provided by
19 W.S. 41-4-317. In addition to any beneficial use specified
20 by law or rule and regulation promulgated pursuant thereto,
21 the use of water for the purpose of extracting heat
22 therefrom is considered a beneficial use subject to prior
23 rights. Water being always the property of the state,

1 rights to its use shall attach to the land for irrigation,
2 or to such other purposes or object for which acquired in
3 accordance with the beneficial use made for which the right
4 receives public recognition, under the law and the
5 administration provided thereby. Water rights for the
6 direct use of the natural unstored flow of any stream
7 cannot be detached from the lands, place or purpose for
8 which they are acquired, except as provided in W.S.
9 41-3-102 and 41-3-103, pertaining to a change to preferred
10 use, and except as provided in W.S. 41-4-514.

11

12 (b) The state engineer shall develop and maintain a
13 list of all beneficial uses as provided in statute or
14 determined by the state engineer. The list of beneficial
15 uses shall be available in print for public inspection at
16 the office of the state engineer and shall be made
17 available on the website of the state engineer. Nothing in
18 this subsection shall be deemed to affect any beneficial
19 use determination made prior to July 1, 2017 for any
20 existing water right.

21

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)