

SENATE FILE NO. SF0063

Irrigation facility modification and maintenance.

Sponsored by: Senator(s) Case and Representative(s) Baker

A BILL

for

1 AN ACT relating to water; requiring modifications to
2 irrigation facilities to be appropriately installed and
3 maintained; providing for recovery of costs in specified
4 circumstances; and providing for an effective date.

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

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8 **Section 1.** W.S. 41-5-111 is created to read:

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10 **41-5-111. Irrigation facility modification and**
11 **maintenance.**

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13 (a) An owner who modifies an irrigation ditch or any
14 irrigation facility for the conveyance of direct flow
15 rights used by authorized downstream users shall be
16 responsible for maintenance of those modified facilities.
17 The modifications shall not diminish the capacities of the

1 ditches and other irrigation facilities. If the owner does
2 not properly maintain or otherwise ensure facility
3 performance, users may, after ten (10) days written notice
4 to the owner detailing the problem and what maintenance or
5 modification is necessary, perform reasonable maintenance
6 or modifications necessary to restore direct flow
7 performance. The user may recover the cost of the
8 reasonable maintenance and modifications to restore flows
9 from the owner who performed the modifications. The person
10 or persons so performing the maintenance or modifications
11 may secure payment of the claim by filing an itemized and
12 sworn statement thereof, setting forth the date of the
13 performance and the nature of the labor so performed, with
14 the county clerk of the county wherein the affected ditch
15 is situated, and when so filed, shall constitute a valid
16 lien against the interest of such person or persons who
17 failed to perform the work requisite to the proper
18 maintenance of said ditch, which said lien when so taken
19 may be enforced in the same manner as provided by law for
20 the enforcement of construction liens.

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22 (b) For purposes of this section:

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1 (i) "Owner" means property owner or owner of any
2 permanent water right;

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4 (ii) "User" means a downstream water right
5 holder, authorized irrigator or ditch company.

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

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12

(END)