

SENATE FILE NO. SF0146

Temporary water rights.

Sponsored by: Senator(s) Northrup and Geis

A BILL

for

1 AN ACT relating to water; providing for a temporary change  
2 in water use as specified; and providing for an effective  
3 date.

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

6

7 **Section 1.** W.S. 41-3-110(a) and by creating new  
8 subsections (e) and (f) is amended to read:

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10 **41-3-110. Right to acquire temporary water rights for**  
11 **highway or railroad roadbed construction or repair;**  
12 **application; restrictions; fee.**

13

14 (a) Any person shall have the right to acquire by  
15 purchase, gift or lease the right to the use of water which  
16 may be embraced in any adjudicated or valid unadjudicated  
17 water right, or any portion thereof, for a period of not to

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

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19 (e) A temporary change in place of use for irrigation  
20 purposes may be authorized under this section,  
21 notwithstanding the provisions of W.S. 41-3-104, provided  
22 that no other appropriator is injured thereby and provided  
23 that:

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1           (i) The term of any such change in place of use  
2 under this subsection shall not exceed two (2) years in  
3 duration;

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5           (ii) The point of diversion for the water right  
6 being temporarily transferred and the new location of use  
7 are from the same source of supply;

8  
9           (iii) The transfer of water for the temporary  
10 use shall not extend such a distance, or experience such  
11 loss during conveyance, as to be too difficult to  
12 administer or futile to deliver, as determined by the  
13 superintendent of the water division within which the  
14 agreement applies;

15  
16           (iv) The superintendent of the water division  
17 within which the agreement applies consents to such change  
18 in writing upon his determination that the proposed change  
19 satisfies the standards and requirements of subsections (b)  
20 through (e) of this section; and

21  
22           (v) This subsection is repealed effective  
23 December 31, 2005.

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1       (f) Any transfer authorized under this section may be  
2 cancelled at any time upon a determination of the  
3 superintendent of the water division within which the  
4 transfer occurs that the temporary change produces  
5 significant unanticipated injury to other water users or  
6 causes significant administration problems.

7

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

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13

(END)