

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Subdivisions located within irrigation districts.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to subdivisions; providing for subdivision
2 of lands within an irrigation district; providing for
3 indemnification by the subdivider; modifying deadline for
4 submitting information on water rights as specified; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 18-5-306(a)(xi)(intro), (D) and (E)
10 and by creating new subparagraphs (F) and (G) is amended to
11 read:

12

1 **18-5-306. Minimum requirements for subdivision**
2 **permits.**

3

4 (a) The board shall require the following information
5 to be submitted with each application for a subdivision
6 permit, provided the board may by rule exempt from any of
7 the following requirements of this subsection or subsection

8 (c) of this section the subdivision of one (1) or more
9 units of land into not more than a total of five (5) units
10 of land:

11

12 (xi) With respect to any water rights
13 appurtenant to lands to be subdivided in accordance with
14 this chapter ~~and prior to final approval of the subdivision~~
15 the subdivider shall provide:

16 **[Staff Note: This change goes beyond the irrigation**
17 **district issue.]**

18

19 (D) If the subdivision is located ~~within an~~
20 ~~irrigation district or~~ within lands, served by a ditch,
21 irrigation company or association or by an unorganized
22 ditch, evidence that the plan has been submitted to the
23 ~~district board~~ company, or association, or the remaining

1 appropriators in the case of an unorganized ditch for their
2 review and recommendations; ~~and~~

3

4 (E) Evidence that the subdivider will
5 specifically state on all offers and solicitations relative
6 to the subdivision his intent to comply with this paragraph
7 and that the seller does not warrant to a purchaser that he
8 shall have any rights to the natural flow of any stream
9 within or adjacent to the proposed subdivision. He shall
10 further state that the Wyoming law does not recognize any
11 riparian rights to the continued natural flow of a stream
12 or river for persons living on the banks of the stream or
13 river; ~~and~~

14

15 (F) If the subdivision is located within an
16 irrigation district that is subject to the provisions of
17 Title 41, Chapter 7 of the Wyoming statutes, the
18 application shall include an approval from the irrigation
19 district on a form approved by the irrigation district
20 regarding the disposition of the irrigation district's
21 water rights and easements;

22

1 (G) Indemnification to the irrigation
 2 district, company, association or remaining appropriators
 3 against any such liability in the event the subdivider
 4 creates additional liability due primarily to the creation
 5 of the subdivision. It shall be the responsibility of the
 6 subdivider to negate or minimize the risk or liability to
 7 humans, domestic animals or livestock when the risk is
 8 directly created by the development of subdivided lots.

9 **[Staff Note: This appears very broad and vague. It is**
 10 **difficult to ascertain what is covered or even whether it**
 11 **is solely related to water rights or water issues.]**

12

13 **Section 2.** This act is effective July 1, 2009.

14

15

(END)