

SENATE FILE NO. SF0110

Water-change of use.

Sponsored by: Senator(s) Hines and Hicks and
Representative(s) Barlow

A BILL

for

1 AN ACT relating to water rights; authorizing a change of
2 place of use for a water right holder as specified; and
3 providing for an effective date.

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

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7 **Section 1.** W.S. 41-3-104(a)(intro) is amended to
8 read:

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10 **41-3-104. Procedure to change use or place of use.**

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12 (a) When an owner of a water right wishes to change a
13 water right from its present use to another use, or from
14 the place of use under the existing right to a new place of
15 use, he shall file a petition requesting permission to make
16 such a change. The petition shall set forth all pertinent

1 facts about the existing use and the proposed change in
2 use, or, where a change in place of use is requested, all
3 pertinent information about the existing place of use and
4 the proposed place of use. The board may require that an
5 advertised public hearing or hearings be held at the
6 petitioner's expense. The petitioner shall provide a
7 transcript of the public hearing to the board. The change
8 in use, ~~or change in place of use,~~ may be allowed, provided
9 that the quantity of water transferred by the granting of
10 the petition shall not exceed the amount of water
11 historically diverted under the existing use, nor exceed
12 the historic rate of diversion under the existing use, nor
13 increase the historic amount consumptively used under the
14 existing use, nor decrease the historic amount of return
15 flow, nor in any manner injure other existing lawful
16 appropriators. The change in place of use may be allowed,
17 provided that the quantity of water transferred by the
18 granting of the petition shall not exceed the amount of
19 water under the original water right, and so long as there
20 is no injury to other existing lawful appropriators. The
21 board of control shall consider all facts it believes
22 pertinent to the transfer which may include the following:

23

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.

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6

(END)