

HOUSE BILL NO. HB0047

Water rights procedures.

Sponsored by: Representative(s) Barlow, Greear, Henderson,
Kirkbride, Laursen and McKim and Senator(s)
Boner and Driskill

A BILL

for

1 AN ACT relating to water; specifying fees related to water
2 adjudication; specifying use of the fees; and providing for
3 an effective date.

4

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

6

7 **Section 1.** W.S. 41-3-914(d), 41-4-203(a)(i),
8 41-4-204, 41-4-307, 41-4-511 and 41-4-513 are amended to
9 read:

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11 **41-3-914. Adjudication of waters within control area.**

12

13 (d) At the first regular meeting of the board after
14 completion of such proof and advertisement, the board shall
15 cause to be entered in the records of its office an order

1 showing the priorities of right to the use of water in the
2 control area, the amount of appropriation of the parties
3 claiming water therefrom, the character and kind of use for
4 which the appropriation is made, and the places or points
5 of use. The secretary of the board shall issue to each
6 person represented in the determination, a certificate of
7 appropriation signed by the president of the board and
8 attested under seal of the secretary of the board which
9 shall state the name and post-office address of the
10 appropriator, the priority date of the appropriation, the
11 amount of water appropriated, the use to which the water
12 has been applied and, if the appropriation is for
13 irrigation, a description of the legal subdivision of land
14 to which the water is applied, or the place of use if the
15 appropriation is not being used for irrigation. The
16 certificate shall be transmitted by certified mail to the
17 county clerk of the county in which the appropriation has
18 been made and the county clerk shall, upon receipt of the
19 proper fee, record the same and thereupon immediately
20 transmit the certificate to the appropriator. At the time
21 of the submission of final proof of appropriation before
22 the state engineer or superintendent of a water division, a
23 fee not to exceed ~~fifty dollars (\$50.00)~~ one hundred

1 dollars (\$100.00) shall be collected, which shall be used
2 for advertising the proof of appropriation and recording
3 the certificate. The priority of appropriation shall be the
4 determining factor in adjudicating underground water; the
5 person first making the appropriation being first entitled
6 to the use of the underground water, except as modified by
7 W.S. 41-3-933.

8
9 **41-4-203. Collection of fees generally.**

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11 (a) The secretary of the state board of control shall
12 collect in advance reasonable fees not to exceed the
13 following:

14
15 (i) ~~Fifty dollars (\$50.00)~~ One hundred dollars
16 (\$100.00) with each proof of appropriation of water or
17 proof of construction of a reservoir;

18
19 **41-4-204. Collection of fees; disposition generally.**

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21 Said secretary shall, out of the fees so collected, remit
22 with each certificate or order of the state board of
23 control, sent to a county clerk for recording, the

1 statutory fee for recording such instrument and pay all
2 costs of advertising each proof of appropriation of water
3 or proof of construction of reservoir; all other fees so
4 collected to be paid to the state treasurer as by law
5 provided.

6
7 **41-4-307. Notice; payment of printing costs.**

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9 All bills for the printing of notices to claimants of water
10 in the adjudications provided for in this act shall be paid
11 for by the ~~county in which the stream, the appropriation of~~
12 ~~whose waters shall have been so adjudicated, shall be~~
13 ~~situated, the said bills to be approved by the~~
14 ~~superintendent of the water division in which the~~
15 ~~adjudication is made~~ secretary of the state board of
16 control.

17
18 **41-4-511. Final proof of appropriation; procedures**
19 **generally.**

20
21 Whenever an appropriation of water has been perfected in
22 accordance with any permit issued by the state engineer,
23 the appropriator may submit final proof of appropriation of

1 water at any time within the time specified by W.S.
2 41-4-506, to the superintendent of the water division in
3 which the water right involved is situated, or, when more
4 expedient, before the superintendent of another water
5 division or the state engineer, or before a water
6 commissioner in accordance with the provisions of W.S.
7 41-4-308. Proof shall be made by appropriators under oath
8 upon forms furnished by the state board of control. The
9 superintendent shall collect for each proof taken a fee not
10 to exceed ~~fifty dollars (\$50.00)~~ one hundred dollars
11 (\$100.00), which fee shall be transmitted to the secretary
12 of the board of control together with the several proofs
13 taken. The secretary of the board of control shall use the
14 fee to pay the appropriate amount for the county recording
15 fee ~~shall be used by the secretary of the board to pay~~ for
16 the recording of the certificate of appropriation in the
17 office of the county clerk of the county in which the water
18 right is situated and the newspaper advertising fee for
19 advertising the several proofs as provided in this section.
20 The remainder of the fee shall be remitted to the state
21 treasurer to the credit of the general fund. If the board
22 of control rejects any proof, the ~~recording~~ fee shall be
23 returned to the person, association or corporation

1 submitting such proof. At least thirty (30) days prior to
2 any regular meeting of the state board of control the
3 superintendent of each water division shall cause all
4 proofs taken by him to be advertised in at least one (1)
5 issue of a newspaper having general circulation in the
6 community where the water right involved is situated, such
7 advertisement to contain in each case the permit number,
8 the date of priority, the name of the ditch, canal or
9 reservoir, the name of the appropriator, the name of the
10 stream from which the appropriation is made, and the amount
11 of the appropriation expressed in acres for ditches
12 designed for the irrigation of lands and in acre-feet for
13 reservoirs, or in cubic feet per second or gallons per
14 minute when the appropriation is for domestic, stock,
15 municipal, industrial, manufacturing, fish hatchery or
16 power purposes. Advertisements shall state the time when,
17 and the place where, the proofs of appropriation of water
18 taken by the superintendent will be open for public
19 inspection for a period of not less than one (1) or more
20 than five (5) days, and the last day of the period shall
21 not be less than fifteen (15) days prior to the meeting of
22 the board. ~~The advertisement shall be paid for by the~~
23 ~~county as provided by W.S. 41-4-307.~~ Any party claiming an

1 interest in any water right from the stream or streams to
2 which the advertised proofs refer, shall have the right to
3 contest the proposed adjudications according to the
4 provisions of W.S. 41-4-312 through 41-4-315. Upon the
5 completion of the taking of proofs of appropriation and the
6 advertising, the superintendent of each water division
7 shall transmit to the office of the state board of control
8 in Cheyenne the several proofs taken, together with fees
9 collected, and shall accompany the same with affidavits of
10 publication as evidence of the required advertisement. At
11 its next regular meeting the board shall consider all
12 proofs of appropriation received from the division
13 superintendents and if satisfied that there are no
14 conflicts and that any appropriation involved has been
15 perfected in accordance with the permit issued by the state
16 engineer, the state board of control by the hand of its
17 president, attested under seal, shall issue a certificate
18 of appropriation of water as described in W.S. 41-4-325 and
19 send the certificate to the county clerk of the county in
20 which the use of water has been made to be recorded by the
21 clerk as provided in W.S. 41-4-325.

22

23 **41-4-513. Adjudication of underground water rights.**

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2 After issuance of a permit, or recording of a statement of
3 claim, or registration of a well, under the procedures
4 provided for by law, and completion of the work according
5 to the terms of the permit, as certified to by the state
6 engineer or his authorized representative following an
7 inspection of the work, and the recording of such
8 information as is deemed necessary concerning the works,
9 and an inspection of the lands irrigated or of the other
10 uses being made of the water, the board of control may
11 adjudicate such underground water rights upon proof of
12 beneficial use being submitted as provided for by W.S.
13 41-4-511. ~~The costs of advertising groundwater proofs shall~~
14 ~~be paid by the county as provided by W.S. 41-4-307~~ The
15 appropriator shall pay the necessary fees as provided by
16 W.S. 41-4-511.

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18 **Section 2.** This act is effective July 1, 2017.

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(END)