

ORIGINAL HOUSE
BILL NO. HB0136

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to underground water; clarifying the burden of proof in underground water contested case hearings; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 41-3-932(c) is amended to read:

41-3-932. Public notice of application or petition; hearing before state engineer and control area advisory board; cost.

(c) The application or petition shall be granted and the permit issued only if the state engineer finds, after receiving the advice of the control area advisory board, that there are unappropriated waters in the proposed source, that the proposed means of diversion or construction is adequate, that the location of the proposed well or other work does not conflict with any well spacing or well distribution regulation, and that the proposed use would not be detrimental to the public interest. In any contested case hearing conducted under this section, the applicant or petitioner shall bear the burden of proof. If the state engineer finds that the application or petition is incomplete or otherwise defective, he shall return the application or petition for correction. If the correction is not made within ninety (90) days, the application or petition shall be rejected.

Section 2. This act shall apply to any petition to amend an existing water right or an application to appropriate underground water filed in W.S. 41-3-932 on and after the effective date of this act.

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Section 3. This act is effective July 1, 2022.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk