

## HOUSE BILL NO. HB0045

Changes to water right - notice requirements for hearing.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to water; modifying notice requirements for  
2 a hearing on a petition to change a point of diversion or  
3 means of conveyance; and 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. 41-3-114(f) is amended to read:

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9 **41-3-114. Petition to change point of diversion or**  
10 **means of conveyance.**

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12 (f) The state engineer or the superintendent shall  
13 set a hearing on the petition and ~~give~~require the  
14 petitioner to provide thirty (30) days notice by ~~registered~~  
15 mail-certified mail with return receipt requested of the  
16 time and place of the hearing to ~~the petitioner and~~ any

1 owners of appropriations which divert between the old and  
2 new points of diversion and any owners or users of ditches  
3 or facilities to be affected by the proposed change. If the  
4 state engineer or the state board of control determines  
5 that at least twenty (20) owners of appropriations or  
6 owners or users of ditches or facilities require notice of  
7 the hearing, the state engineer or the state board of  
8 control, in lieu of requiring notice by certified mail with  
9 return receipt requested, may allow the petitioner to  
10 provide notice of the hearing by regular mail and  
11 publication. Notice by publication under this subsection  
12 shall be accomplished by publishing notice for two (2)  
13 consecutive weeks in a newspaper of general circulation in  
14 the county where the new point of diversion is located. The  
15 last date of publication shall occur not less than ten (10)  
16 days and not more than thirty (30) days prior to the  
17 hearing. The petitioner shall provide the superintendent  
18 with a record of the proceedings which shall be transmitted  
19 to the state board of control with the superintendent's  
20 report. The state board of control or the state engineer  
21 may make such other regulations as may be found necessary.  
22 No petition shall be granted if the right of other  
23 appropriators will be injuriously affected. The attorney

1 general shall represent the state board of control or the  
2 state engineer in any appeal.

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4 **Section 2.** This act is effective July 1, 2021.

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(END)