

HOUSE BILL NO. HB0136

Underground water contested case hearings.

Sponsored by: Representative(s) Eklund

A BILL

for

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

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

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

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10 **41-3-932. Public notice of application or petition;**
11 **hearing before state engineer and control area advisory**
12 **board; cost.**

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14 (c) The application or petition shall be granted and
15 the permit issued only if the state engineer finds, after
16 receiving the advice of the control area advisory board,

1 that there are unappropriated waters in the proposed
2 source, that the proposed means of diversion or
3 construction is adequate, that the location of the proposed
4 well or other work does not conflict with any well spacing
5 or well distribution regulation, and that the proposed use
6 would not be detrimental to the public interest. In any
7 contested case hearing conducted under this section, the
8 applicant or petitioner shall bear the burden of proof. If
9 the state engineer finds that the application or petition
10 is incomplete or otherwise defective, he shall return the
11 application or petition for correction. If the correction
12 is not made within ninety (90) days, the application or
13 petition shall be rejected.

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

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

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(END)