

SENATE FILE NO. SF0081

Clarification of existing state ownership of groundwater.

Sponsored by: Senator(s) Hicks, Boner, Driskill, French,
Gierau, Perkins and Steinmetz and
Representative(s) Neiman, Simpson, Sommers
and Walters

A BILL

for

1 AN ACT relating to water; clarifying that the state owns
2 underground water as specified; specifying legislative
3 intent and construction; and providing for an effective
4 date.

5

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

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8 **Section 1.** W.S. 41-3-905 is amended to read:

9

10 **41-3-905. State ownership; application; generally;**
11 **registration of vested rights; permit to construct well;**
12 **registration of formerly exempted wells.**

13

1 (a) Pursuant to article 8, section 1 of the Wyoming
2 constitution, underground water within the boundaries of
3 the state is the property of the state.

4
5 (b) Nothing ~~herein contained~~ in this section shall be
6 construed so as to interfere with the right of any person
7 to use water from any existing well where such water is
8 economically and beneficially used for irrigation or for
9 municipal, railway, industrial or other beneficial use, to
10 the extent only that such continued right does not
11 injuriously affect existing adjudicated surface rights not
12 heretofore abandoned, and such use is hereby declared to
13 constitute a vested right, provided, that the owner of any
14 such right acquired before April 1, 1947, must have filed
15 with the state engineer the statement required by W.S.
16 41-3-901 through 41-3-938, on or before December 31, 1957,
17 and the owner of any right acquired on or after April 1,
18 1947, must have registered his well with the state engineer
19 as required by W.S. 41-3-901 through 41-3-938, prior to the
20 effective date of this act, and provided further, that the
21 right to take underground water from any well exempted from
22 the provisions of W.S. 41-3-901 through 41-3-938, that is
23 not exempted from the provisions of this act, and that

1 shall be registered with the state engineer prior to the
2 effective date of this act, shall also constitute a vested
3 right in the use of water with priority as of the time of
4 completion of the well. No well shall be constructed after
5 the effective date of this act unless a permit has been
6 obtained from the state engineer. All existing stock and
7 domestic wells formerly exempted may be registered with the
8 state engineer prior to December 31, 1972. The state
9 engineer shall make appropriate forms for such registration
10 available with each county clerk and at such other places
11 as he deems feasible.

12

13 **Section 2.** This act is intended to be declaratory in
14 nature and provide clarification of the existing laws in
15 the state of Wyoming as provided in the Wyoming
16 constitution. Nothing in this act shall be construed to
17 interfere with or modify the existing right of any person
18 to use underground water in accordance with the laws of
19 this state.

20

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

22

23

(END)