



SF0068

**Prescriptive easement for water conveyances.**

Sponsored By: Select Water Committee

AN ACT relating to prescriptive easements; establishing prescriptive easements for water conveyances; providing requirements for the width and use of a prescriptive easement as specified; requiring the state engineer's office to post an informational document on its website; providing notice to purchasers; specifying applicability and providing for an effective date.

12/29/2022 Bill Number Assigned  
1/4/2023 S Received for Introduction  
1/10/2023 S Introduced and Referred to S05 - Agriculture  
1/18/2023 S05 - Agriculture:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) French, Hicks, Ide, Kolb, Steinmetz  
**Ayes** 5    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

1/18/2023 S Placed on General File

**SF0068SS001/ADOPTED**

Page 1-line 2                    After "conveyances;" insert "providing requirements for the width and use of a prescriptive easement as specified;".

Page 2-line 23                After "law." insert:

"Maintenance, as used in this section, shall include the right of the holder of the prescriptive easement to temporarily remove infrastructure in or spanning the water conveyance system provided that:

(A) Before the temporary removal for maintenance purposes of infrastructure that a landowner uses for ingress or egress, the holder of the prescriptive easement shall provide reasonable written notice given the extent and estimated time for maintenance but in no case shall notice be provided less than forty-eight (48) hours before any temporary removal;

(B) Any temporary removal of a landowner's infrastructure for the purpose of water conveyance system maintenance shall be reasonable and minimize any burden on the landowner.".

Page 3-after line 10 insert:

"(e) The width of a prescriptive easement for a water conveyance shall be based on the size and volume of water in the conveyance system and shall:

(i) Be of a reasonable width sufficient to utilize equipment suitable for the operation and maintenance of the water conveyance;

(ii) Be from the center line of the conveyance system but may vary from each side of the center line to reasonably facilitate the size of equipment, placement of dredge material and the topography that the conveyance system traverses.".

Page 3-line 12 Delete "(e)" and insert "(f)"; delete "maintain and".  
STEINMETZ, CHAIRMAN

1/19/2023 S COW:Passed

**SF0068S2001/ADOPTED**

Page 2-line 6 Delete "Adverse" and insert "Hostile".

Page 2-line 10 Delete "adverse" and insert "hostile".

Page 3-line 4 After "means a" insert "man made".

Page 3-line 5 Delete "," and insert "or"; delete "or other means of  
conveying water" and insert "that conveys water for  
agricultural purposes". HICKS

1/20/2023 S 2nd Reading:Passed

1/24/2023 S 3rd Reading:Passed 26-4-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Brennan, Cooper,  
Dockstader, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb,  
Landen, Laursen, Mckeown, Nethercott, President Driskill, Salazar, Schuler,  
Scott, Steinmetz

**Nays:** Senator(s) Bouchard, Case, Ellis, Rothfuss

**Excused:** Senator Pappas

**Ayes** 26    **Nays** 4    **Excused** 1    **Absent** 0    **Conflicts** 0

1/24/2023 H Received for Introduction

2/8/2023 H Introduced and Referred to H05 - Agriculture

2/9/2023 H05 - Agriculture:Recommend Amend and Do Pass 8-0-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Allred, Banks, Conrad, Davis, Eklund,  
Slagle, Winter

**Excused:** Representative Crago

**Ayes** 8    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

2/9/2023 H Placed on General File

**SF0068HS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-line 5 Delete "maintain" and insert "post"; after "document"  
insert "on its website".

Page 4-line 2 Delete "coveys" and insert "conveys".

Page 4-line 3 After "purposes" insert "including any appurtenant  
headgates and diversion structures".

Page 4-line 11 After "size" insert "of the water conveyance"; after  
"and" insert "the".

Page 4-line 12 After "the" insert "water".

Page 4-line 18 Before "conveyance" insert "water".

Page 4-line 21 Before "conveyance" insert "water".

Page 5-line 1 Delete "maintain and". EKLUND, CHAIRMAN

2/10/2023 H COW:Passed  
2/13/2023 H 2nd Reading:Passed  
2/14/2023 H 3rd Reading:Laid Back

**SF0068H3001/ADOPTED (TO ENGROSSED COPY)**

Page 3-line 13 Delete "forty-eight (48)" and insert "seventy-two (72)".

Page 3-line 19 After "landowner" insert "The holder of the prescriptive easement for a water conveyance shall replace the landowner's infrastructure in a timely manner in consultation with the landowner.". NORTHROP

**SF0068H3002/ADOPTED (TO ENGROSSED COPY)**

Page 2-line 8 Delete "Hostile" and insert "Adverse".

Page 2-line 12 Delete "hostile" and insert "adverse".  
ZWONITZER, DN

**SF0068H3003/ADOPTED (TO ENGROSSED COPY)**

Page 2-line 4 After "uninterrupted" insert "consistent with the historical and traditional use by the water user of the water conveyance system. A temporary change of use under W.S. 41-3-110 or a cessation of use, so long as the water rights are not abandoned under W.S. 41-3-401, shall not be deemed an interruption under this paragraph". CRAGO

2/15/2023 H 3rd Reading:Passed 51-10-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Niemiec, Northrup, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Speaker Sommers, Stith, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Winter, Wylie

**Nays:** Representative(s) Brown, Nicholas, Oakley, Provenza, Sherwood, Storer, Western, Yin, Zwonitzer, Dan, Zwonitzer, Dave

**Excused:** Representative Harshman

**Ayes** 51      **Nays** 10      **Excused** 1      **Absent** 0      **Conflicts** 0

2/16/2023 S Received for Concurrence  
2/16/2023 S Concur:Passed 26-4-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Cooper, Dockstader, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Mckeown, Nethercott, Pappas, President Driskill, Salazar, Schuler, Scott

**Nays:** Senator(s) Case, Ellis, Laursen, Rothfuss

**Excused:** Senator Steinmetz

**Ayes** 26      **Nays** 4      **Excused** 1      **Absent** 0      **Conflicts** 0

2/16/2023 Assigned Number SEA No. 0030  
2/16/2023 S President Signed SEA No. 0030  
2/16/2023 H Speaker Signed SEA No. 0030  
2/21/2023 Governor Signed SEA No. 0030  
2/21/2023 Assigned Chapter Number 69

Chapter No. 69 Session Laws of Wyoming 2023