

SENATE FILE NO. SF0065

Temporary water use agreements amendments.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to water; amending temporary water rights
2 as specified; and providing for an effective date.

3

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

5

6 **Section 1.** W.S. 41-3-110(a) and 41-3-111 are amended
7 to read:

8

9 **41-3-110. Right to acquire temporary water rights;**
10 **application; restrictions; fee.**

11

12 (a) Any person shall have the right to acquire by
13 purchase, gift or lease the right to the use of water which
14 may be embraced in any adjudicated or valid unadjudicated
15 water right, or any portion thereof, for a period of not to
16 exceed ~~two (2)~~ five (5) years, for ~~highway construction or~~

1 ~~repair, railroad roadbed construction or repair, drilling~~
2 ~~and producing operations, or other temporary purposes, on~~
3 ~~its own behalf or on behalf of its agents, employees or~~
4 ~~contractors: provided, that if the proposed use is to be~~
5 ~~for public highway construction or repair under a contract~~
6 ~~with the state department of transportation, only the state~~
7 ~~transportation commission shall have the authority to~~
8 ~~acquire the water; and the state transportation commission~~
9 ~~shall have the sole and continuing responsibility for the~~
10 ~~acquisition, including the payment of all fees, royalties~~
11 ~~and other consideration for the use of and access to water~~
12 ~~and the right to acquire the rights to use shall not be~~
13 ~~delegated to a construction contractor or other third~~
14 ~~party; and further provided, that any temporary transfer~~
15 ~~shall be allowed only if no other appropriator is injured~~
16 thereby temporary beneficial purposes, excluding the
17 beneficial use of instream flows identified in W.S.
18 41-3-1001. The state engineer shall not approve a temporary
19 transfer if it injuriously affects the water rights of
20 other appropriators. Prior to the expiration of a temporary
21 transfer, and upon the applicant's request, the state
22 engineer may, in his discretion, renew temporary transfers
23 for successive periods, with no successive period to exceed

1 five (5) years. The total length of any transfer including
2 extensions thereof shall not exceed ten (10) years.

3

4 **41-3-111. Right to acquire temporary water rights;**
5 **right of owner who cannot satisfy in full his right during**
6 **time of diversion.**

7

8 The owner of any permanent water right, ~~whether prior or~~
9 ~~subsequent~~ which is senior in priority to that temporary
10 right acquired by any person under this act who cannot
11 satisfy ~~in full his~~ the senior right in full during the
12 time said temporary user is diverting water under its
13 temporary water right shall have the absolute right upon
14 demand being made upon the appropriate state water
15 commissioner to cause such diversion to be shut off until
16 such time as said owner's water right is satisfied, or
17 until it is proven that the shutting down of the diversion
18 has no effect upon owner's right.

19

20 **Section 2.** This act is effective July 1, 2024.

21

22 (END)