

SENATE FILE NO. SF0043

Temporary water use agreements amendments.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to water; extending the number of years for
2 which temporary water rights may be granted; providing
3 exceptions; 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. 41-3-110(a) is amended to read:

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

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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

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

1 years. The total length of any temporary transfer
2 including any extensions for the same purpose and place of
3 use as a previous temporary transfer granted under this
4 subsection shall not exceed ten (10) years.

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6 **Section 2.** This act is effective July 1, 2025.

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(END)