

ENROLLED ACT NO. 71, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

AN ACT relating to water; extending the number of years for which temporary water rights may be granted; providing exceptions; and providing for an effective date.

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

Section 1. W.S. 41-3-110(a) is amended to read:

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

(a) Any person shall have the right to acquire by purchase, gift or lease the right to the use of water which may be embraced in any adjudicated or valid unadjudicated water right, or any portion thereof, for a period of not to exceed ~~two (2)~~ five (5) years, for ~~highway construction or repair, railroad roadbed construction or repair, drilling and producing operations, or other temporary purposes, on its own behalf or on behalf of its agents, employees or contractors; provided, that if the proposed use is to be for public highway construction or repair under a contract with the state department of transportation, only the state transportation commission shall have the authority to acquire the water; and the state transportation commission shall have the sole and continuing responsibility for the acquisition, including the payment of all fees, royalties and other consideration for the use of and access to water and the right to acquire the rights to use shall not be delegated to a construction contractor or other third party; and further provided, that any temporary transfer shall be allowed only if no other appropriator is injured thereby~~ temporary beneficial purposes. The state engineer shall not approve a temporary transfer if it injuriously affects the water rights of other appropriators. Prior to the expiration of a temporary transfer, and upon the

ENROLLED ACT NO. 71, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

applicant's request, the state engineer may, in his discretion, renew temporary transfers for successive periods, with no successive period to exceed five (5) years. The total length of any temporary transfer including any extensions for the same purpose and place of use as a previous temporary transfer granted under this subsection shall not exceed ten (10) years. After the expiration of any temporary transfer of any irrigation water right, the water right shall be used for its adjudicated or permitted purpose for a period of time equal to not less than fifty percent (50%) of the period for which the temporary transfer, including any extension, was exercised before becoming eligible for any further temporary use transfers.

ORIGINAL SENATE
FILE NO. SF0043

ENGROSSED

ENROLLED ACT NO. 71, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk