

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; amending and protecting the rights of owners of
4 permanent water rights; and providing for an effective
5 date.

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

8

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

11

12 **41-3-110. Right to acquire temporary water rights;**
13 **application; restrictions; fee.**

14

1 (a) Any person shall have the right to acquire by
2 purchase, gift or lease the right to the use of water which
3 may be embraced in any adjudicated or valid unadjudicated
4 water right, or any portion thereof, for a period of not to
5 exceed ~~two (2)~~ five (5) years, for ~~highway construction or~~
6 ~~repair, railroad roadbed construction or repair, drilling~~
7 ~~and producing operations, or other temporary purposes, on~~
8 ~~its own behalf or on behalf of its agents, employees or~~
9 ~~contractors; provided, that if the proposed use is to be~~
10 ~~for public highway construction or repair under a contract~~
11 ~~with the state department of transportation, only the state~~
12 ~~transportation commission shall have the authority to~~
13 ~~acquire the water; and the state transportation commission~~
14 ~~shall have the sole and continuing responsibility for the~~
15 ~~acquisition, including the payment of all fees, royalties~~
16 ~~and other consideration for the use of and access to water~~
17 ~~and the right to acquire the rights to use shall not be~~
18 ~~delegated to a construction contractor or other third~~
19 ~~party; and further provided, that any temporary transfer~~
20 ~~shall be allowed only if no other appropriator is injured~~
21 ~~thereby~~ temporary beneficial purposes, excluding the
22 beneficial use of instream flows identified in W.S.
23 41-3-1001. The state engineer shall not approve a temporary

1 transfer if it injuriously affects the water rights of
2 other appropriators. Prior to the expiration of a temporary
3 transfer, and upon the applicant's request, the state
4 engineer may, in his discretion, renew temporary transfers
5 for successive periods, with no successive period to exceed
6 five (5) years. The total length of any temporary transfer
7 including any extensions for the same purpose and place of
8 use as a previous temporary transfer granted under this
9 subsection shall not exceed ten (10) years.

10
11 **41-3-111. Right to acquire temporary water rights;**
12 **right of owner who cannot satisfy in full his right during**
13 **time of diversion.**

14
15 (a) The owner of any permanent water right, ~~whether~~
16 ~~prior or subsequent~~ that is senior in priority to ~~that a~~
17 temporary right acquired by any person under this act who
18 cannot satisfy ~~in full his~~ the senior right in full during
19 the time said temporary user is diverting water under its
20 temporary water right shall have the absolute right upon
21 demand being made upon the appropriate state water
22 commissioner to cause such diversion to be shut off until
23 such time as said owner's water right is satisfied, or

1 until it is proven that the shutting down of the diversion
2 has no effect upon owner's right.

3

4 (b) The owner of any permanent water right that is
5 junior in priority to a temporary water right acquired by
6 any person under this act whose junior water right is
7 injured by a temporary user diverting under its temporary
8 water right may request in writing that the appropriate
9 state water commissioner cause such temporary diversion to
10 be shut off. The water commissioner shall not shut off
11 diversion under the temporary right if it is not injuring
12 the junior water right.

13

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

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16

(END)