

HOUSE BILL NO. HB0079

Prescriptive easement for water conveyance-attorney fees.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to property; authorizing attorney fees and
2 expert witness fees for actions related to prescriptive
3 easements as specified; clarifying the time period for a
4 prescriptive easement; specifying applicability; and
5 providing for an effective date.

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

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9 **Section 1.** W.S. 34-1-158(a)(intro) and by creating a
10 new subsection (g) is amended to read:

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12 **34-1-158. Prescriptive easement for water conveyance.**

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14 (a) A prescriptive easement for a water conveyance
15 may be established if a water user has used and maintained

1 a water conveyance under a claim of right for a period of
2 not less than ten (10) years during which the use has been:

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4 (g) In any action to enforce a prescriptive easement
5 established under this section or to challenge the
6 existence or exercise of a prescriptive easement asserted
7 under this section, the court may award reasonable attorney
8 fees and expert witness fees to the party who substantially
9 prevailed in the action.

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11 **Section 2.** This act shall apply to any action brought
12 on or after July 1, 2026.

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14 **Section 3.** This act is effective July 1, 2026.

15

16 (END)