

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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 senior
4 owners of permanent water rights; and providing for an
5 effective date.

6

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

1 **41-3-110. Right to acquire temporary water rights;**
2 **application; restrictions; fee.**

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

1 ~~thereby~~ temporary beneficial purposes, excluding the
2 beneficial use of instream flows identified in W.S.
3 41-3-1001. The state engineer shall not approve a temporary
4 transfer if it injuriously affects the water rights of
5 senior appropriators. Prior to the expiration of a
6 temporary transfer, and upon the applicant's request, the
7 state engineer may, in his discretion, renew temporary
8 transfers for successive periods, with no successive period
9 to exceed five (5) years. The total length of any
10 temporary transfer including any extensions under this
11 subsection shall not exceed ten (10) years.

12

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

16

17 The owner of any permanent water right, ~~whether prior or~~
18 ~~subsequent~~ that is senior in priority to ~~that~~ a temporary
19 right acquired by any person under this act who cannot
20 satisfy ~~in full his~~ the senior right in full during the
21 time said temporary user is diverting water under its
22 temporary water right shall have the absolute right upon
23 demand being made upon the appropriate state water

1 commissioner to cause such diversion to be shut off until
2 such time as said owner's water right is satisfied, or
3 until it is proven that the shutting down of the diversion
4 has no effect upon owner's right.

5

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

7

8

(END)