

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

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 costs for actions related to prescriptive easements as
3 specified; clarifying the time period for a prescriptive
4 easement; specifying applicability; 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. 34-1-158(a)(intro) and by creating a
10 new subsection (g) is amended to read:

11

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

13

1 (a) A prescriptive easement for a water conveyance
2 may be established if a water user has used and maintained
3 a water conveyance under a claim of right for a period of
4 not less than ten (10) years during which the use has been:

5

6 *****
7 *****

8 **STAFF COMMENT**

9 The change above is presented for the consideration of the
10 Committee. This proposed revision would make clear that the
11 use may be for a period of more than ten (10) years.

12 *****
13 *****

14

15 (g) In any action to enforce a prescriptive easement
16 established under this section or to challenge a
17 prescriptive easement asserted under this section, the
18 court may award reasonable attorney fees to the party who
19 substantially prevailed in the action.

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

23

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

25

26 (END)