DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO.

Water rights-subdivisions.

Sponsored by: Joint Agriculture, State and Public Lands & Water Resources Interim Committee

A BILL

for

AN ACT relating to cities, towns and counties; amending provisions relating to the subdividing of property and irrigation districts' water rights and easements; making conforming amendments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 15-1-415(e)(iv), 18-5-303 by creating a new subsection (c), 18-5-306(a)(xi)(D), 18-5-316(b)(ix)(B), (C) and by creating a new subparagraph (D) and 41-7-104 are amended to read:

15-1-415. Additions to cities or towns by subdividing landowners; plat requirements; filing and effect thereof; controlling layout of streets.

(e) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to certification and approval of the map or plat the governing body shall require the owner to submit to the governing body the following:

(iv) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, ~~the map or plat shall be accompanied by recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the owner shall certify that it met with and made a good faith effort to resolve any conflicts with the irrigation district; and~~ evidence that the owner submitted the intended disposition of water rights to the irrigation district for review and

recommendations not less than sixty (60) days prior to the submittal of any documents to the state engineer or state board of control. The owner shall also complete one (1) of the following:

(A) If the irrigation district provides recommendations on the owner's intended disposition of water rights not more than sixty (60) days after receiving the notice required by this paragraph, the owner shall work with the irrigation district to address the irrigation district's recommendations prior to the submittal of documents to the state engineer or state board of control. Evidence of consent from the irrigation district regarding the intended disposition of water rights shall be submitted to the governing body;

(B) If the owner cannot obtain the consent of the irrigation district after a good faith effort to address the irrigation district's recommendations, the owner shall seek and obtain a declaratory judgment under W.S. 1-37-101 through 1-37-115 from a district court of competent jurisdiction regarding the relative legal rights, status and other obligations between the owner and the

irrigation district related to the water rights and any associated easements as well as any other requirements relevant to the intended disposition of water rights. The owner shall provide the declaratory judgment to the governing body and the disposition of water rights shall comply with the declaratory judgment; or

(C) If the owner does not receive recommendations from the irrigation district within sixty (60) days after providing notice to the irrigation district, the owner shall inform the governing body that no recommendations have been received.

18-5-303. Exemptions from provisions.

(c) All of the exemptions provided in this section shall be subject to the requirements of W.S. 18-5-306(a)(xi).

18-5-306. Minimum requirements for subdivision permits.

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section, including paragraph (xii) of this subsection, the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xi) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter and prior to final approval of the subdivision permit, the subdivider shall provide the following:

(D) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, ~~the application shall include recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the subdivider shall certify~~

~~that it met with and made a good faith effort to resolve any conflicts with the irrigation district; and~~ evidence that the subdivider submitted the intended disposition of water rights to the irrigation district for review and recommendations not less than sixty (60) days prior to the submittal of any documents to the state engineer or state board of control. The subdivider shall also complete one (1) of the following:

(A) If the irrigation district provides recommendations regarding the subdivider's intended disposition of water rights not more than sixty (60) days after receiving the notice provided under this paragraph, the subdivider shall work with the irrigation district to address the irrigation district's recommendations prior to the submittal of documents to the state engineer or state board of control. Evidence of consent from the irrigation district regarding the intended disposition of water rights shall be submitted to the board;

(B) If the subdivider cannot obtain the consent of the irrigation district after a good faith effort to address the irrigation district's

recommendations, the subdivider shall seek and obtain a declaratory judgment under W.S. 1-37-101 through 1-37-115 from a district court of competent jurisdiction regarding the relative legal rights, status and other obligations between the subdivider and the irrigation district related to the water rights and any associated easements as well as any other requirements relevant to the intended disposition of water rights. The subdivider shall provide the declaratory judgment to the board and the intended disposition of water rights shall comply with the declaratory judgment; or

(C) If the subdivider does not receive recommendations from the irrigation district within sixty (60) days after providing notice to the irrigation district, the subdivider shall inform the board that no recommendations have been received.

18-5-316. Requirements for large acreage subdivision permits.

(b) The board may require, and with respect to paragraph (ix) of this subsection shall require, the

following information to be submitted with an application for a subdivision permit pursuant to this section:

(ix) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision permit, the subdivider shall provide the following:

(B) If the subdivision is located within lands served by or crossed by a ditch, irrigation works or other water conveyance system, evidence that the subdivider submitted the plan to the public entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system for review and recommendations at least sixty (60) days prior to the submittal of the application for the subdivision permit to the board; ~~and~~

(C) Evidence that the subdivider will specifically state on all offers relative to the subdivision the subdivider's intent to comply with this paragraph and that the subdivider does not warrant to a purchaser that the purchaser shall have any rights to the

natural flow of any stream within or adjacent to the proposed subdivision. The subdivider shall further state that Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river; and

(D) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, evidence that the subdivider submitted the intended disposition of water rights to the irrigation district for review and recommendations not less than sixty (60) days prior to the submittal of any documents to the state engineer or state board of control. The subdivider shall also complete one (1) of the following:

(I) If the irrigation district provides recommendations on the subdivider's intended disposition of water rights not more than sixty (60) days after receiving the notice provided under this subparagraph, the subdivider shall work with the irrigation district to address the irrigation district's recommendations prior to the submittal of documents to the

state engineer or state board of control. Evidence of consent from the irrigation district regarding the intended disposition of water rights shall be submitted to the board;

(II) If the subdivider cannot obtain the consent of the irrigation district after a good faith effort to address the irrigation district's recommendations, the subdivider shall seek and obtain a declaratory judgment under W.S. 1-37-101 through 1-37-115 from a district court of competent jurisdiction regarding the relative legal rights, status and other obligations between the subdivider and the irrigation district related to the water rights and any associated easements as well as any other requirements relevant to the intended disposition of water rights. The subdivider shall provide the declaratory judgment to the board and the intended disposition of water rights shall comply with the declaratory judgment; or

(III) If the subdivider does not receive recommendations from the irrigation district within sixty (60) days after providing notice to the irrigation

district, the subdivider shall inform the board that no recommendations have been received.

41-7-104. Construction; existing water rights; subdivisions within irrigation districts.

(a) Nothing in this act shall be so construed as to in any manner impair existing water rights, appropriations or priorities within said district.

(b) Regarding subdivisions created or modified within irrigation districts, the requirements of W.S. 15-1-415(e)(iv), 18-5-303, 18-5-306(a)(xi)(D) and 18-5-316(b)(ix)(D) shall be adhered to.

Section 2. This act applies to subdivisions initiated on or after July 1, 2027. This act shall not be construed to impair existing contracts.

Section 3. This act is effective July 1, 2027.

(END)