

**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

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

6

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

8

9 **Section 1.** W.S. 15-1-415(e)(iv), 18-5-303 by creating
10 a new subsection (c), 18-5-306(a)(xi)(D), 18-5-
11 316(b)(ix)(B), (C) and by creating a new subparagraph (D)
12 and 41-7-104 are amended to read:

1

2 **15-1-415. Additions to cities or towns by subdividing**
3 **landowners; plat requirements; filing and effect thereof;**
4 **controlling layout of streets.**

5

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

11

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

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

5
6 (A) If the irrigation district provides
7 recommendations on the owner's intended disposition of
8 water rights not more than sixty (60) days after receiving
9 the notice required by this paragraph, the owner shall work
10 with the irrigation district to address the irrigation
11 district's recommendations prior to the submittal of
12 documents to the state engineer or state board of control.
13 Evidence of consent from the irrigation district regarding
14 the intended disposition of water rights shall be submitted
15 to the governing body;

16
17 (B) If the owner cannot obtain the consent
18 of the irrigation district after a good faith effort to
19 address the irrigation district's recommendations, the
20 owner shall seek and obtain a declaratory judgment under
21 W.S. 1-37-101 through 1-37-115 from a district court of
22 competent jurisdiction regarding the relative legal rights,
23 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.**

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

10
11 (xi) With respect to any water rights
12 appurtenant to lands to be subdivided in accordance with
13 this chapter and prior to final approval of the subdivision
14 permit, the subdivider shall provide the following:

15
16 (D) If the subdivision is located within
17 the boundaries of an irrigation district that is subject to
18 the provisions of title 41, chapter 7 of the Wyoming
19 statutes, ~~the application shall include recommendations~~
20 ~~from the irrigation district regarding any changes to the~~
21 ~~attached water rights and the irrigation district's~~
22 ~~easements. If there is a conflict with the irrigation~~
23 ~~district's recommendations, the subdivider shall certify~~

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

9
10 (A) If the irrigation district provides
11 recommendations regarding the subdivider's intended
12 disposition of water rights not more than sixty (60) days
13 after receiving the notice provided under this paragraph,
14 the subdivider shall work with the irrigation district to
15 address the irrigation district's recommendations prior to
16 the submittal of documents to the state engineer or state
17 board of control. Evidence of consent from the irrigation
18 district regarding the intended disposition of water rights
19 shall be submitted to the board;

20
21 (B) If the subdivider cannot obtain the
22 consent of the irrigation district after a good faith
23 effort to address the irrigation district's

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

12
13 (C) If the subdivider does not receive
14 recommendations from the irrigation district within sixty
15 (60) days after providing notice to the irrigation
16 district, the subdivider shall inform the board that no
17 recommendations have been received.

18
19 **18-5-316. Requirements for large acreage subdivision**
20 **permits.**

21
22 (b) The board may require, and with respect to
23 paragraph (ix) of this subsection shall require, the

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

3

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

8

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

18

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

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

6
7 (D) If the subdivision is located within
8 the boundaries of an irrigation district that is subject to
9 the provisions of title 41, chapter 7 of the Wyoming
10 statutes, evidence that the subdivider submitted the
11 intended disposition of water rights to the irrigation
12 district for review and recommendations not less than sixty
13 (60) days prior to the submittal of any documents to the
14 state engineer or state board of control. The subdivider
15 shall also complete one (1) of the following:

16
17 (I) If the irrigation district
18 provides recommendations on the subdivider's intended
19 disposition of water rights not more than sixty (60) days
20 after receiving the notice provided under this
21 subparagraph, the subdivider shall work with the irrigation
22 district to address the irrigation district's
23 recommendations prior to the submittal of documents to the

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

5
6 (II) If the subdivider cannot obtain
7 the consent of the irrigation district after a good faith
8 effort to address the irrigation district's
9 recommendations, the subdivider shall seek and obtain a
10 declaratory judgment under W.S. 1-37-101 through 1-37-115
11 from a district court of competent jurisdiction regarding
12 the relative legal rights, status and other obligations
13 between the subdivider and the irrigation district related
14 to the water rights and any associated easements as well as
15 any other requirements relevant to the intended disposition
16 of water rights. The subdivider shall provide the
17 declaratory judgment to the board and the intended
18 disposition of water rights shall comply with the
19 declaratory judgment; or

20
21 (III) If the subdivider does not
22 receive recommendations from the irrigation district within
23 sixty (60) days after providing notice to the irrigation

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

3
4 **41-7-104. Construction; existing water rights;**
5 **subdivisions within irrigation districts.**

6
7 (a) Nothing in this act shall be so construed as to
8 in any manner impair existing water rights, appropriations
9 or priorities within said district.

10
11 (b) Regarding subdivisions created or modified within
12 irrigation districts, the requirements of W.S. 15-1-
13 415(e) (iv), 18-5-303, 18-5-306(a) (xi) (D) and 18-5-
14 316(b) (ix) (D) shall be adhered to.

15
16 **Section 2.** This act applies to subdivisions initiated
17 on or after July 1, 2027. This act shall not be construed
18 to impair existing contracts.

19
20 **Section 3.** This act is effective July 1, 2027.

21
22 (END)