

HOUSE BILL NO. _____

Water-temporary use-2.

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

A BILL

for

1 AN ACT relating to water; providing for a temporary change
2 in water use as specified; authorizing suspension of these
3 changes as specified; and providing for an effective date.

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

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7 **Section 1.** W.S. 41-3-110(a) and by creating a new
8 subsection (e) is amended to read:

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10 **41-3-110. Right to acquire temporary water rights for**
11 **highway, municipal or railroad roadbed construction or**
12 **repair; application; restrictions; fee.**

13

14 (a) Any person shall have the right to acquire by
15 purchase, gift or lease the right to the use of water which
16 may be embraced in any adjudicated or valid unadjudicated

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

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20 (e) Any transfer authorized under this section may be
21 suspended at any time upon a determination of the
22 superintendent of the water division within which the
23 transfer occurs that the temporary change produces
24 unanticipated injury to other water users or causes

1 significant administration problems. The state engineer
2 shall review any suspension.

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4 **Section 2.** This act is effective July 1, 2004.

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(END)