

SENATE FILE NO. SF0068

Prescriptive easement for water conveyances.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to prescriptive easements; establishing  
2 prescriptive easements for water conveyances; requiring the  
3 state engineer's office to maintain an informational  
4 document; providing notice to purchasers; specifying  
5 applicability and providing for an effective date.

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

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9 **Section 1.** W.S. 34-1-158 is created to read:

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11 **34-1-158. Prescriptive easement for water conveyance.**

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13 (a) A prescriptive easement for a water conveyance  
14 may be established if a water user has used and maintained  
15 a water conveyance under a claim of right for a period of  
16 ten (10) years during which the use has been:

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2 (i) Continuous and uninterrupted;

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4 (ii) Open and notorious; and

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6 (iii) Adverse.

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8 (b) If a water user establishes paragraphs (a)(i) and  
9 (ii) of this section, there is a rebuttable presumption  
10 that the use has been adverse under paragraph (a)(iii).

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12 (c) The holder of a prescriptive easement for a water  
13 conveyance established as provided in subsections (a) and  
14 (b) may:

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16 (i) File a notice describing the prescriptive  
17 easement consistent with the requirements of W.S. 34-1-141  
18 in the office of the county clerk in which the prescriptive  
19 easement or a portion of the easement is located;

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21 (ii) Access, use, maintain and repair the water  
22 conveyance located within the easement in accordance with  
23 law.

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2 (d) As used in this section:

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4 (i) "Water conveyance" means a canal, ditch,  
5 drain ditch, pipeline or other means of conveying water;

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7 (ii) "Water user" means a water user or the  
8 water user's predecessor who owns an adjudicated or valid  
9 unadjudicated water right being conveyed in a water  
10 conveyance.

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12 (e) The state engineer's office shall maintain and  
13 post to its website an informational document regarding  
14 legal aspects related to water conveyance easements. This  
15 document shall not constitute legal advice. All real estate  
16 transactions involving property through which a water  
17 conveyance passes through shall include notice of this  
18 document.

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20 **Section 2.** Nothing in this act shall be construed to  
21 interfere with or modify any existing easement or property  
22 right, including a valid water right, nor alter any rights

1 or duties associated with any existing easement or property  
2 right, as established by law.

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4 **Section 3.** This act is effective July 1, 2023.

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(END)