

## HOUSE BILL NO. HB0006

Change of use for irrigation districts.

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

A BILL

for

1 AN ACT relating to the amendment of certificates of  
2 appropriation; modifying the conditions under which a  
3 change in use and change in place of use may be obtained;  
4 providing for change in use or place of use within legally  
5 organized conservancy and irrigation districts; and  
6 providing for an effective date.

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

9

10 **Section 1.** W.S. 41-3-104(a)(intro) and 41-4-514(d)  
11 are amended to read:

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13 **41-3-104. Procedure to change use or place of use.**

14

15 (a) Except as provided in W.S. 41-4-514, when an  
16 owner of a water right wishes to change a water right from

1 its present use to another use, or from the place of use  
2 under the existing right to a new place of use, he shall  
3 file a petition requesting permission to make such a  
4 change. The petition shall set forth all pertinent facts  
5 about the existing use and the proposed change in use, or,  
6 where a change in place of use is requested, all pertinent  
7 information about the existing place of use and the  
8 proposed place of use. The board may require that an  
9 advertised public hearing or hearings be held at the  
10 petitioner's expense. The petitioner shall provide a  
11 transcript of the public hearing to the board. The change  
12 in use, or change in place of use, may be allowed, provided  
13 that the quantity of water transferred by the granting of  
14 the petition shall not exceed the amount of water  
15 historically diverted under the existing use, nor exceed  
16 the historic rate of diversion under the existing use, nor  
17 increase the historic amount consumptively used under the  
18 existing use, nor decrease the historic amount of return  
19 flow, nor in any manner injure other existing lawful  
20 appropriators. The board of control shall consider all  
21 facts it believes pertinent to the transfer which may  
22 include the following:

23

1           41-4-514. Petition for amendment of permits; petition  
2 for amended certificate of appropriation; hearings on  
3 petition; notice; costs.

4  
5           (d) The state board of control is authorized, upon  
6 the written petition of the owner, to issue amended  
7 certificates of appropriation ~~for~~of water rights that have  
8 been adjudicated for the purpose of correcting clerical  
9 errors ~~and when in the judgment of the board it appears or~~  
10 to amend other provisions of the certificate as necessary.

11 The total amount of the appropriation of water shall not  
12 exceed the amount set forth in the original certificate of  
13 appropriation and, in the case of an appropriation for  
14 irrigation use, the total area of the lands shall not  
15 exceed the total area described in the original certificate  
16 of appropriation. Except within legally organized  
17 conservancy or irrigation districts where the state board  
18 of control has determined in a contested case hearing,  
19 conducted in accordance with its rules and the Wyoming  
20 Administrative Procedure Act, that there is no injury to  
21 the water rights of other Wyoming appropriators, the  
22 amended area shall not exceed the area actually irrigated  
23 under the original water right. An owner of a water right  
24 within a legally organized conservancy or irrigation

1 district may obtain, under this section, an amendment of  
2 the use or the place of use to another area within the  
3 district notwithstanding the time limits established by  
4 W.S. 41-3-108. Any petitioner shall be the owner of all the  
5 land involved in the petition, except that in cases where  
6 amendments are petitioned for ~~in~~within a ~~regularly~~legally  
7 organized conservancy or irrigation district, the consent of  
8 the district board and the consent or agreement of the land  
9 owners directly involved is sufficient. Proper adjustments  
10 shall be made in any assessment levied against lands  
11 affected by the amendment. The water rights of other  
12 Wyoming appropriators shall not be injuriously affected  
13 ~~thereby~~by the granting of an amended certificate of  
14 appropriation.

15

16 **Section 2.** This act is effective July 1, 2012.

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(END)