

## HOUSE BILL NO. HB0163

Water produced from geologic sequestration.

Sponsored by: Representative(s) Steward, Lockhart, Lubnau  
and Semlek

A BILL

for

1 AN ACT relating to water; requiring water produced from  
2 geologic sequestration of carbon dioxide in saline aquifers  
3 to be for a beneficial use as specified; and providing for  
4 an effective date.

5

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

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8 **Section 1.** W.S. 41-3-101 and 41-3-909(a) by creating  
9 a new paragraph (xi) is amended to read:

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11 **41-3-101. Nature of water rights and beneficial use.**

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13 A water right is a right to use the water of the state,  
14 when such use has been acquired by the beneficial  
15 application of water under the laws of the state relating  
16 thereto, and in conformity with the rules and regulations

1 dependent thereon. Beneficial use shall be the basis, the  
2 measure and limit of the right to use water at all times,  
3 not exceeding the statutory limit except as provided by  
4 W.S. 41-4-317. In addition to any beneficial use specified  
5 by law or rule and regulation promulgated pursuant thereto,  
6 the use of water for the purpose of extracting heat  
7 therefrom is considered a beneficial use subject to prior  
8 rights. The production of water as a by-product of geologic  
9 sequestration of carbon dioxide shall not constitute a  
10 beneficial use. Water being always the property of the  
11 state, rights to its use shall attach to the land for  
12 irrigation, or to such other purposes or object for which  
13 acquired in accordance with the beneficial use made for  
14 which the right receives public recognition, under the law  
15 and the administration provided thereby. Water rights for  
16 the direct use of the natural unstored flow of any stream  
17 cannot be detached from the lands, place or purpose for  
18 which they are acquired, except as provided in W.S.  
19 41-3-102 and 41-3-103, pertaining to a change to preferred  
20 use, and except as provided in W.S. 41-4-514.

21

22 **41-3-909. State engineer; powers generally.**

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1           (a) In the administration and enforcement of this act  
2 and in the effectuation of the policy of the state to  
3 conserve its underground water resources, the state  
4 engineer is authorized and empowered on advice and consent  
5 of the board of control:

6  
7           (xi) To require any person producing water from  
8 geologic sequestration of carbon dioxide in saline aquifers  
9 to adequately demonstrate that the water produced, unless  
10 reinjecting below the surface or otherwise disposed of in  
11 accordance with W.S. 35-11-101 et seq., will be put to a  
12 beneficial use beyond the mere production and shall seek a  
13 permit under W.S. 41-3-904.

14  
15           **Section 2.** This act is effective immediately upon  
16 completion of all acts necessary for a bill to become law  
17 as provided by Article 4, Section 8 of the Wyoming  
18 Constitution.

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20

(END)