

SENATE FILE NO. SF0046

Stock water permits.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to underground water; providing for the
2 perfection and appropriation of springs and spring water
3 located on federal lands; identifying the appropriator of
4 water on federal lands as specified; and providing for an
5 effective date.

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

8

9 **Section 1.** W.S. 41-3-902, 41-3-907 and 41-3-935(c)
10 are amended to read:

11

12 **41-3-902. Spring waters; perfection of right to use;**
13 **limitation.**

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15 All springs and spring waters where the yield does not
16 exceed twenty-five (25) gallons per minute and where the
17 use is for domestic or stock purposes only and all springs

1 and spring waters located on federal lands, shall be
2 considered as groundwater. Perfection of the right to use
3 spring water up to twenty-five (25) gallons per minute for
4 domestic or stock use and to use all spring water located
5 on federal lands shall be made in accordance with the laws
6 pertaining to groundwater.

7

8 **41-3-907. Application; preferred right of**
9 **appropriations for stock or domestic use.**

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11 (a) Appropriations of underground water for stock or
12 domestic use, the latter being defined as household use and
13 the watering of lawns and gardens for noncommercial family
14 use where the area to be irrigated does not exceed one (1)
15 acre, where the yield or flow does not exceed .056 cubic
16 feet per second or twenty-five (25) gallons per minute,
17 shall have a preferred right over rights for all other
18 uses, regardless of their dates of priority, subject to the
19 provisions of W.S. 41-3-911, as amended, if an
20 appropriation is for two (2) or more uses, and includes one
21 (1) of the above preferred uses, the preferred use shall be
22 limited to .056 cubic feet per second or twenty-five (25)
23 gallons per minute, and the application shall specify one
24 (1) acre upon which such preferred uses shall be made. Such

1 preferred use shall not include municipal use by any person
2 of water appropriated by a municipality or company, or any
3 instance where water is purchased or held out for sale.

4
5 (b) Appropriations of underground water for stock use
6 where the point of appropriation is located on federal
7 lands shall be granted in the name of an applicant who is
8 the holder of a valid permit to graze livestock on such
9 lands or in the name of a federal land agency jointly with
10 the holder of a valid permit to graze livestock on such
11 lands.

12
13 **41-3-935. Adjudication procedure.**

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15 (c) Adjudication shall proceed in the same manner
16 prescribed for the adjudication of surface water
17 appropriations once the state engineer or his authorized
18 representative has reported his findings to the board. A
19 ground water appropriation attaches to the land for
20 irrigation, or ~~for~~to such other purposes or object for
21 which it was acquired.

22

1 **Section 2.** This act is effective July 1, 2011.

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3

(END)