

SENATE FILE NO. SF0080

Water use outside the state.

Sponsored by: Senator(s) Hicks and Driskill

A BILL

for

1 AN ACT relating to water; authorizing the use of produced  
2 water outside the state as specified; providing rulemaking  
3 authority; 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. 41-3-115(b), (c) and by creating a  
8 new subsection (t) are amended to read:

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10 **41-3-115. Applications for use of water outside the**  
11 **state.**

12

13 (b) Except as otherwise provided in subsection (t) of  
14 this section, none of the water of the state either surface  
15 or underground may be appropriated, stored or diverted for  
16 use outside of the state or for use as a medium of

1 transportation of mineral, chemical or other products to  
2 another state without the specific prior approval of the  
3 legislature. Provided, however, neither approval by the  
4 legislature nor compliance with the application procedures  
5 under subsections (m) through (r) of this section shall be  
6 required for appropriations that will transfer or use  
7 outside the state less than one thousand (1,000) acre-feet  
8 of water per year unless the applications are part of a  
9 collection of related applications or appropriations from  
10 the same source of supply for the same or similar use where  
11 the total use or transfer outside the state exceeds one  
12 thousand (1,000) acre-feet per year in aggregate. The  
13 state engineer is authorized to adopt rules and regulations  
14 necessary to carry out the provisions of this subsection.

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16 (c) Except as otherwise provided in subsection (t) of  
17 this section, no holder of either a permit to appropriate  
18 water or a certificate to appropriate water, nor any  
19 applicant for a right to appropriate the unappropriated  
20 water of this state, may transfer or use the water so  
21 appropriated, certificated or applied for outside the state  
22 of Wyoming without prior approval of the legislature of  
23 Wyoming.

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2 (t) Prior legislative approval under subsection (b)  
3 or (c) of this section and compliance with the application  
4 requirements of subsections (o) through (r) of this section  
5 shall not be required for the use of water outside the  
6 state of Wyoming if the water used outside of the state is  
7 produced from an energy or mineral extraction process and  
8 the state engineer determines that the water is from a  
9 nontributary source of supply and is of a quality that  
10 would require treatment to improve the water to meet  
11 Wyoming water quality standards. The state engineer shall  
12 require a report of the amount and location of water used  
13 outside the state under this subsection. The state engineer  
14 may require the project proponent to install a measuring  
15 system to verify the amount of water transferred outside  
16 the state of Wyoming under this subsection. The state  
17 engineer is authorized to adopt rules and regulations  
18 necessary to carry out the provisions of this subsection.

19

20 **Section 2.** This act is effective July 1, 2016.

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22

(END)