

SENATE FILE NO. SF0126

Water-beneficial use.

Sponsored by: Senator(s) Hicks and Driskill

A BILL

for

1 AN ACT relating to water; providing that the legislature
2 retains authority to determine beneficial use of water;
3 providing a definition of "beneficial use"; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 41-3-101 is amended to read:

9

10 **41-3-101. Nature of water rights and beneficial use.**

11

12 (a) A water right is a right to use the water of the
13 state, when such use has been acquired by the beneficial
14 application of water under the laws of the state relating
15 thereto, and in conformity with the rules and regulations
16 dependent thereon. Beneficial use shall be the basis, the
17 measure and limit of the right to use water at all times,

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

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21 (b) "Beneficial use" means the following uses:

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23 (i) Aquaculture;

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- 1 (ii) Bathing;
- 2
- 3 (iii) Coal bed natural gas production;
- 4
- 5 (iv) Chemical;
- 6
- 7 (v) Consumptive instream flow;
- 8
- 9 (vi) Commercial;
- 10
- 11 (vii) Culinary;
- 12
- 13 (viii) Dewatering;
- 14
- 15 (ix) Domestic;
- 16
- 17 (x) Drilling;
- 18
- 19 (xi) Domestic supply;
- 20
- 21 (xii) Environmental;
- 22
- 23 (xiii) Erosion control;
- 24

- 1 (xiv) Fire protection;
- 2
- 3 (xv) Fish propagation;
- 4
- 5 (xvi) Flood control;
- 6
- 7 (xvii) Ground water recharge;
- 8
- 9 (xviii) Heat extraction;
- 10
- 11 (xix) Industrial;
- 12
- 13 (xx) Irrigation;
- 14
- 15 (xxi) Instream flow;
- 16
- 17 (xxii) Manufacturing;
- 18
- 19 (xxiii) Mechanical;
- 20
- 21 (xxiv) Medicinal;
- 22
- 23 (xxv) Milling;
- 24

1 (xxvi) Mining;

2

3 (xxvii) Miscellaneous;

4

5 (xxviii) Monitoring;

6

7 (xxix) Municipal;

8

9 (xxx) Nonconsumptive flow through;

10

11 (xxxi) Oil refining or production;

12

13 (xxxii) Power development;

14

15 (xxxiii) Recreation;

16

17 (xxxiv) Refining;

18

19 (xxxv) Reservoir supply;

20

21 (xxxvi) Stock;

22

23 (xxxvii) Temporary use;

24

1 (xxxviii) Test well;

2

3 (xxxix) Public utility;

4

5 (xl) Wild and scenic;

6

7 (xli) Wetlands;

8

9 (xlii) Wildlife.

10

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

15

16

(END)