

HOUSE BILL 0005A,

HOUSE BILL 0005A

HB0005A

AN ACT to amend W.S. 41-4-514 relating to amendment of water permits; authorizing the state engineer to amend water permits prior to adjudication by the board of control upon petition of the permit holder; prohibiting amendment if it injuriously affects other appropriators; providing an amendment does not change the priority date of the permit; modifying the authority of the state board of control to amend certificates of appropriation; increasing the fee for issuance of an amended certificate of appropriation; and providing for an effective date.

Agricultural Ag. Bureau Committee - W. J. Lane Simon
Introduced by:

DATE	ACTION	DATE	ACTION
JAN 8 1985	READ FIRST TIME		<i>Sent to Senate</i>
	REFERRED TO COM. NO. <u>5</u>	1-19-85	ENGROSSED
	DELIVERED TO COM. NO. <u>5</u>	1/18/85	READ FIRST TIME
JAN 14 1985	RETURNED		REFERRED TO COM. NO. <u>5</u>
	Recommended Amend and Do Pass <i>10 ayes 124</i>		DELIVERED TO COM. NO. <u>5</u>
JAN 15 1985	CONSIDERED IN COM. OF WHOLE	2/4/85	STANDING COMM. REPORT
	Standing Com. Amendment <i>HB 5 H 51/A</i>		AMEND AND DO PASS
	ADOPTED	2/5/85	CONSIDERED ON COM. OF WHOLE
	Com. of Whole Amendment <i>HB 5A H W 1/A</i>		STANDING COM. AMDT. ADOPTED <i>HB 5A H 51-A</i>
	ADOPTED		DO PASS
	Amended as follows <i>HB 5A H W 2/A</i>	2/6/85	READ SECOND TIME
	ADOPTED		AMENDED AS FOLLOWS <i>HB 5A H 52 1-A</i>
	Amended as follows <i>HB 5A H W 3/A</i>		AMENDED AS FOLLOWS <i>HB 5A H 52 2-A</i>
	ADOPTED	2/7/85	READ THIRD TIME
	Amended as follows <i>HB 5A H W 4/A</i>		AMENDED AS FOLLOWS <i>HB 5A H 53 1-A</i>
	ADOPTED		
	Amended as follows <i>HB 5A H W 5/A</i>		AYES <u>4</u> NOES <u>3</u> EXCUSED <u>1</u> ABSENT <u>0</u>
	ADOPTED		SENT TO HOUSE
	RECOMMENDED DO <u>PASS</u>	FEB 8 1985	<i>Rep. Cross moved to not concur</i>
JAN 16 1985	READ SECOND TIME		<i>with Senate Amendments -</i>
JAN 17 1985	READ THIRD TIME		Received Amended
	PASSED		House did not concur on Senate Amendments
	Ayes <u>33</u> Noes <u>30</u> Excused <u>1</u> Absent <u>0</u>		<i>60 ayes 2 noes 2 excused 0</i>
	Sent to Senate		Hold pending House and Senate Report

House
1. Rep. Cross
2. Rep. Hagaman
3. Rep. Shores

Senate
1. Sen. Jantke
2. Sen. Hagaman
3. Sen. Jantke
CONTINUED ON BACK
HEA 62

FEB 14 1885

*Rep. Cressy passed to
Chicago P. O. R. -*

House did.....adopt Joint Conf. Comm. Repo.
Ayes 56 Noes 6 Excused 2 Absent 0
Senate did.....adopt Joint Conf. Comm. Repo.
Ayes 28 Noes 0 Excused 1 Absent 1

HB 5A JCI /AA

RECEIVED FROM SENATE

SENT TO LSO FOR ENROLLING

RECEIVED FROM LSO ENROLLED

HEA NO. 62

SIGNED BY SPEAKER *2-18-85*

SIGNED BY PRESIDENT *2-18-85*

APPROVED BY GOVERNOR *2-20-85 2:27 P.M.*

CHAPTER NO. 108 SESSION LAWS OF WYOMING

HB 5A Date 2/19/85
ADPT JCR

SENATE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL			✓	
DIXON			✓	
DUSL			✓	
EDDINS			✓	
FANOS			✓	
FRISBY			✓	
GEIS				
HICKEY			✓	
HINCKLEY			✓	
KINNEY			✓	
KINNISON			✓	
LARSON			✓	
MADER			✓	
MOORE			✓	
NICHOLAS			✓	
NORRIS			✓	
PERRY			✓	
PREVEDEL			✓	
PUGH		✓		
SCHMIDT			✓	
SCOTT			✓	
STROOCK	✓			
SULLIVAN			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
WIEDERSPAHN			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT _____

AYES 28
NOES 0
EXCUSED 1
ABSENT 1
TOTAL 30

SENATE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
CUNDALL			✓	
DIXON			✓	
DUSL			✓	
EDDINS			✓	
FANOS			✓	
FRISBY			✓	
GEIS				
HICKEY			✓	
HINCKLEY	✓			
KINNEY			✓	
KINNISON			✓	
LARSON			✓	
MADER			✓	
MOORE			✓	
NICHOLAS			✓	
NORRIS			✓	
PERRY			✓	
PREVEDEL			✓	
PUGH			✓	
SCHMIDT			✓	
SCOTT			✓	
STROOCK			0	✓
SULLIVAN			✓	
TROWBRIDGE			✓	
TRUE				✓
TURNER			✓	
VINICH				✓
WIEDERSPAHN			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT	AYES	26
	NOES	3
	EXCUSED	1
	ABSENT	0
	TOTAL	30

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				MURPHY	✓			
BAKER	✓				ODDE	✓			
BARLOW	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS	✓			
BLACKWELL	✓				RATLIFF	✓			
BROWN	✓				ROBERTSON	✓			
BUDD	✓				RYCKMAN	✓			
BURNS	✓				SALISBURY	✓			
BURTON	✓				SANDERS	✓			
BYRD	✓				SCHWOPE	✓			
CHAMBERLAIN	✓				SHREVE	✓			
CROSS	✓				SMITH				
CROWLEY	✓				SIMONS	✓			
DICKEY	✓				SORENSEN	✓			
DOBOS	✓				STAUFFER	✓		✓	
GERINGER	✓				STRAND	✓			
GETTER	✓				TATE	✓			
GRANT	✓				THOMAS	✓	✓		
HAGEMAN	✓				TIBBS	✓			
HANSEN	✓	✓			TIPPETS	✓			
HARRISON	✓				TIPTON	✓			
HERBST	✓				TYSDAL	✓			
HINES	✓				WAGGENER	✓			
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WOLFLEY	✓			
JONES	✓				ZIMMERMAN	✓			
KUNZ	✓				ZUMBRUNNEN	✓			
LAMB	✓				MR. SPEAKER	✓			
LUMMIS	✓				<div>PRESENT _____</div> <div>AYES <u>60</u></div> <div>NOES <u>2</u></div> <div>EXCUSED <u>2</u></div> <div>ABSENT _____</div> <div>TOTAL <u>64</u></div> <div>LESS _____</div>				
MACMILLAN	✓								
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓			✓					
MEENAN	✓								
MICHEL	✓								

76B5A Hard Reading Date 7/7/83

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD		✓			MURPHY <i>cy</i>			✓	
BAKER		✓			ODDE	✓			
BARLOW		✓			PARKER		✓		
BIRLEFFI	✓				PERKINS	✓			
BLACKWELL		✓			RATLIFF		✓		
BROWN		✓			ROBERTSON		✓		
BUDD	✓				RYCKMAN		✓		
BURNS	✓				SALISBURY	✓			
BURTON		✓			SANDERS		✓		
BYRD	✓				SCHWOPE	✓			
CHAMBERLAIN		✓			SHREVE		✓		
CROSS	✓				SMITH				
CROWLEY	✓				SIMONS	✓			
DICKEY	✓				SORENSEN		✓		
DOBOS		✓			STAUFFER		✓		
GERINGER	✓				STRAND		✓		
GETTER	✓				TATE	✓			
GRANT	✓				THOMAS	✓			
HAGEMAN	✓				TIBBS	✓			
HANSEN		✓			TIPPETS	✓			
HARRISON	✓				TIPTON	✓			
HERBST		✓			TYSDAL		✓		
HINES	✓				WAGGENER		✓		
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER		✓		
JENSEN		✓			WOLFLEY	✓			
JONES		✓			ZIMMERMAN	✓			
KUNZ		✓			ZUMBRUNNEN		✓		
LAMB	✓				MR. SPEAKER	✓			
LUMMIS	✓								
MACMILLAN		✓							
MALDONADO		✓							
MARTON	✓								
MCILVAIN	✓								
MEENAN		✓							
MICHEL		✓							

PRESENT _____

AYES 33

NOES 30

EXCUSED 1

ABSENT _____

TOTAL 64

LESS 31

33

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

#B0005#51/

Cheyenne,January 11, 1985.

Mr. Speaker:

Your Committee No. 5 on AGRICULTURE

to whom was referred HB No. 0005

respectfully reports same back to the House with the recommendation that HB0005

DO PASS with the following amendment:

HB0005A be substituted for HB0005 and that HB0005A DO PASS.

AyesNoesExcused

Budd
 Cross
 Geringer
 Hageman
 Hines
 Humphrey
 Lummis
 Salisbury
 Thomas
 Simons

0

Burns

MARLENE J. SIMONS

Chairman

DW

9125A 2/1/83 House moved Date 2/14/83

HOUSE ROLL CALL

FORTY-EIGHTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				MURPHY	✓			
BAKER	✓				ODDE	✓			
BARLOW	✓				PARKER	✓	✓		
BIRLEFFI	✓				PERKINS	✓			
BLACKWELL	✓				RATLIFF	✓			
BROWN	✓			✓	ROBERTSON	✓			
BUDD	✓				RYCKMAN	✓			
BURNS	✓				SALISBURY	✓			
BURTON	✓				SANDERS	✓			
BYRD	✓				SCHWOPE	✓			
CHAMBERLAIN	✓	✓			SHREVE	✓			
CROSS	✓	✓			SIDI	✓			
CROWLEY	✓				SIMONS	✓			
DICKEY	✓				SORENSEN	✓			
DOBOS	✓				STAUFFER	✓		✓	
GERINGER	✓				STRAND	✓	✓		
GETTER	✓				TATE	✓			
GRANT	✓				THOMAS	✓			
HAGEMAN	✓				TIBBS	✓			
HANSEN	✓	✓			TIPPETS	✓			
HARRISON	✓				TIPTON	✓			
HERBST	✓				TYSDAL	✓			
HINES	✓				WAGGENER	✓			
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WOLFLEY	✓		✓	
JONES	✓				ZIMMERMAN	✓			
KUNZ	✓			✓	ZUMBRUNNEN	✓			
LAMB	✓				MR. SPEAKER	✓	✓		
LUMMIS	✓				PRESENT		AYES	56	
MACMILLAN	✓						NOES	6	
MALDONADO	✓						EXCUSED	2	
MARTON	✓						ABSENT		
MCILVAIN	✓						TOTAL	64	
MENAN	✓						LESS	6	
MICHEL	✓	✓						6	

BG

1 THE LEGISLATURE OF THE STATE OF WYOMING
2 JOINT CONFERENCE REPORT

3 Cheyenne, Wyoming
4 February 12, 1985

5 To the Honorable President of the Senate, and the Honorable
6 Speaker of the House of Representatives:

7 We, your Joint Conference Committee appointed to confer
8 on House Bill No. 0005A, respectfully recommend as fol-
9 lows: HB0005AJC1/ ~~NP~~ (TO ENGROSSED COPY):

10 Adopt the following Senate amendments:

- 11 HB0005ASS1/A
12 HB0005AS21/A
13 HB0005AS22/A

14 Delete the following Senate amendment:

15 HB0005AS^S31/A *SW*

16 Further amend the ENGROSSED COPY as follows:

17 Page 3-line 5 Delete "AND".

18 Page 3-After line 5 Insert:

19 "(iv) THE CHANGES SHALL BE LIMITED TO THOSE WITHIN THE
20 AREA AND CONCEPT OF THE ORIGINAL APPLICATION FOR PERMIT OR
21 DEVELOPMENT PLAN; AND".

22 Page 3-line 6 Delete "(iv)" insert "(v)".

Rory Cross

Rory Cross
James Hageman

James Hageman
Craig Thomas

Craig Thomas

HOUSE

Robert Frisby

Robert Frisby
Richard Larson

Richard Larson
Diemer True

Diemer True

SENATE

SW

1 HB0005AH32/F

2 Page 1-line 4 After ";" insert "providing limitations;".

3 Page 2-lines 6 through 8 Reinsert stricken language.

4 Page 2-line 9 Reinsert stricken line through "er".

5 Page 2-line 12 After stricken "+" delete balance of line
6 including the Ceringer committee of the
7 whole amendment (HB0005AHW3/A) to this line
8 and insert:

9 "FOR THE PURPOSE OF CORRECTING INEQUITIES ARISING FROM
10 EVLNTS OCCURRING SINCE THE DATE OF APPLICATION AND NOT OCCA-
11 SIONED BY OR UNDER CONTROL OF THE APPLICANT, AND PROVIDING:
12 -STRAND

HB 5A

- ✓ HB0005ASS1/A ✓ TO ENGROSSED COPY
- ✓ Page 2-line 13 Delete "SCRIVENER'S" and insert "CLERICAL".
- ✓ Page 3-line 6 Delete "EVER".
- ✓ Page 3-line 14 After "PUBLISHED" insert "NO LESS THAN FIFTEEN (15) DAYS BEFORE THE HEARING".
- ✓ Page 4-line 7 Delete "SCRIVENER'S" and insert "CLERICAL".
-ZIMMER

- ✓ HB0005AS21/A ✓ TO ENGROSSED COPY
- ✓ Page 3-line 19 Delete "STENOGRAPHIC".
- ✓ Page 3-line 21 Delete "TRANSCRIPT" and insert "RECORD".
- ✓ Page 5-line 15 Strike "stenographic". -ARNEY

- ✓ HB0005AS22/A ✓ TO ENGROSSED COPY
- ✓ Page 4-line 3 After "CONTROL" insert "WHICH SHALL CONDUCT A CONTESTED CASE HEARING IN ACCORDANCE WITH ITS RULES AND REGULATIONS AND THE WYOMING ADMINISTRATIVE PROCEDURE ACT". -NICHOLAS

- Deleted by SC/AAE*
- HB0005AS31/A TO ENGROSSED COPY
- Page 3-line 5 Delete "AND".
- Page 3-After line 5 insert the following and renumber accordingly:

(iv) A CHANGE SHALL NOT BE GRANTED IF IT IS WITHOUT THE AREA AND CONCEPT OF THE ORIGINAL DEVELOPMENT PLAN; AND
-TURNER

UB5

1 ✓ HB0005HS1/A

2 ✓ HB0005A be substituted for HB0005 and that HB0005A DO PASS.
3 -SIMONS, CHAIRMAN

ADOPTED

1 ✓ HB0005AHW1/A

X 2 ✓ Page 3-line 16

3 After "RIGHT" insert "OR VALID PERMIT".
-BLACKWELL

ADOPTED

1 ✓ HB0005AHW2/A

2 ✓ Page 2-line 14

3 Delete "SCRIBNER'S" insert "SCRIVENER'S".

4 ✓ Page 4-line 7

Delete "SCRIBNER'S" insert "SCRIVENER'S".
-ARNOLD

ADOPTED

1 ✓ HB0005AHW3/A

2 ✓ Page 2-line 12

3 Before "UPON" insert "THE STATE ENGINEER
MAY CORRECT SCRIVENER'S ERRORS AND,".

4 ✓ Page 2-line 13

After "I" delete balance of the line.

5 ✓ Page 2-line 14

Delete the line through "AND".

6 ✓ Page 3-line 12

Delete "PARTY" insert "APPROPRIATOR".

7 ✓ Page 5-line 3

Strike "shall" insert "MAY".

8 ✓ Page 5-line 4

Strike the line through "7".

9 ✓ Page 5-line 9

10 After "." insert "THE STATE BOARD OF CON-
11 TROL SHALL HOLD A PUBLIC HEARING IF
12 REQUESTED TO DO SO BY ANY AFFECTED
APPROPRIATOR." -GERINGER

ADOPTED

✓ HB0005AHW4/A

X Page 2-line 20

Delete "PERMIT" insert "PERMITS". -CROSS

ADOPTED

1 ✓ HB0005AHW5/A

2 ✓ Page 4-line 16

Strike "must" insert "SHALL".

3 ✓ Page 4-line 22

Strike "must" insert "SHALL". -HANSEN

ADOPTED

(Cont.)

1 HB0005AJC1/A *AAE* (TO ENGROSSED COPY)

2 Adopt the following Senate amendments:

3 HB0005ASS1/A
4 HB0005AS21/A
5 HB0005AS22/A

6 Delete the following Senate amendment:

7 HB0005A³~~2~~31/A *DW*

8 Further amend the ENGROSSED COPY as follows:

9 ✓ Page 3-line 5 Delete "AND".

10 ✓ Page 3-After line 5 Insert:

11 "(iv) THE CHANGES SHALL BE LIMITED TO THOSE WITHIN THE
12 AREA AND CONCEPT OF THE ORIGINAL APPLICATION FOR PERMIT OR
13 DEVELOPMENT PLAN; AND".

14 ✓ Page 3-line 6 Delete "(iv)" insert "(v)". -CROSS,
15 HAGEMAN, THOMAS, FRISBY, LARSON, TRUE *8*

House of Intro	Second House
_____ To Com. No. _____	_____ To Com No. _____
_____ Stand Report Do _____ Amd _____ Not _____	_____ Stand Report Do _____ Amd _____ Not _____
_____ Com Whole Do _____ Amd _____ Not _____	_____ Com Whole Do _____ Amd _____ Not _____
_____ 2nd Reading Amd _____	_____ 2nd Reading Amd _____
_____ 3rd Reading Amd _____ Pass _____ Fail _____	_____ 3rd Reading Amd _____ Pass _____ Fail _____

INTRODUCED

1985

STATE OF WYOMING

85LSO-0092.01

HOUSE BILL NO. 0005

Water permit amendments.

Sponsored by: JOINT AGRICULTURE, PUBLIC LANDS AND
WATER RESOURCES INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 41-4-514 relating to amendment of
2 water permits; authorizing the state engineer to amend
3 water permits prior to adjudication by the board of con-
4 trol upon petition of the permit holder; prohibiting
5 amendment if it injuriously affects other appropriators
6 and providing exceptions; providing an amendment does not
7 change the priority date of the permit; modifying the
8 authority of the state board of control to amend certifi-
9 cates of appropriation; and providing for an effective
10 date.

- 1 -

NO SIGNIFICANT FISCAL IMPACT

HB _____

1 Be It Enacted by the Legislature of the State of Wyoming:

2 Section 1. W.S. 41-4-514 is amended to read:

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

6 (a) ~~The--state--engineer--is--hereby--authorized,--upon~~
7 ~~written-petition-of-the-owner,--to--amend--any--permit--to~~
8 ~~appropriate-water-prior-to-adjudication-by-the-state-board~~
9 ~~of--control-for-the-purpose-of-correcting-errors-or-ether-~~
10 ~~wise,--when-in-his-judgment-such-amendment--appears--desir-~~
11 ~~able--or-necessary. The-total-area-of-lands-may-not-exceed~~
12 ~~the-area-described-in-the-original--permit.~~ UPON WRITTEN
13 PETITION OF THE PERMIT HOLDER, THE STATE ENGINEER MAY
14 AMEND ANY PERMIT TO APPROPRIATE WATER AT ANY TIME PRIOR TO
15 ADJUDICATION BY THE STATE BOARD OF CONTROL WHEN IN THE
16 JUDGMENT OF THE STATE ENGINEER THE AMENDMENT IS IN THE
17 PUBLIC INTEREST AND PROVIDING:

18 (i) NO PETITION TO AMEND SHALL BE GRANTED IF
19 THE RIGHTS OF OTHER WATER RIGHT HOLDERS WHO HAVE ADJUDI-
20 CATED WATER RIGHTS OR WHO HAVE PUT WATER TO BENEFICIAL USE
21 PURSUANT TO A VALID PERMIT ARE INJURIOUSLY AFFECTED;

22 (ii) THE PRIORITY DATE OF THE PERMIT SHALL NOT

1 BE IMPROVED;

2 (iii) THE TOTAL AMOUNT OF THE APPROPRIATION OF
3 WATER SHALL NOT EXCEED THE AMOUNT SET FORTH IN THE ORIGI-
4 NAL PERMIT AND, FOR IRRIGATION PERMITS, THE TOTAL AREA OF
5 LAND SHALL NOT EXCEED THE TOTAL AREA DESCRIBED IN THE
6 ORIGINAL PERMIT;

7 (iv) NO CHANGE OF USE SHALL BE GRANTED; AND

8 (v) THE AMENDMENT MAY BE ALLOWED EVEN IF IT
9 WILL INJURIOUSLY AFFECT HOLDERS OF VALID PERMITS WHO HAVE
10 NOT PUT WATER TO BENEFICIAL USE IF THE STATE ENGINEER
11 FINDS THAT THE PUBLIC INTEREST IN THE AMENDMENT IS GREATER
12 THAN THE PUBLIC INTEREST IN PREVENTING THE INJURY. IN
13 MAKING THIS DETERMINATION THE STATE ENGINEER SHALL CON-
14 sider:

15 (A) THE RELATIVE ECONOMIC BENEFITS OF
16 THE PROJECTS;

17 (B) THE RELATIVE PROGRESS THE TWO (2)
18 PROJECTS HAVE MADE AND THE PROBABILITY THAT THEY WILL SUC-
19 CEED IN PUTTING WATER TO BENEFICIAL USE IN A REASONABLE
20 TIME;

21 (C) ANY COSTS THE PUBLIC MAY HAVE TO

1 BEAR IF THE AMENDMENT IS OR IS NOT GRANTED; AND

2 (D) ANY OTHER FACTORS RELEVANT TO THE
3 PUBLIC INTEREST.

4 (b) THE STATE ENGINEER MAY HOLD A PUBLIC HEARING ON
5 A PETITION UNDER SUBSECTION (a) OF THIS SECTION TO GATHER
6 FACTS TO DETERMINE IF OTHER APPROPRIATORS WILL BE INJURI-
7 OUSLY AFFECTED. THE STATE ENGINEER SHALL HOLD A PUBLIC
8 HEARING ON A PETITION UNDER SUBSECTION (a) OF THIS SECTION
9 IF REQUESTED TO DO SO BY ANY AFFECTED PARTY. IF THE STATE
10 ENGINEER HOLDS A PUBLIC HEARING, THE STATE ENGINEER SHALL
11 CAUSE TO BE PUBLISHED A NOTICE OF THE HEARING TO BE ADVER-
12 TISED IN AT LEAST ONE (1) ISSUE OF ANY NEWSPAPER HAVING
13 GENERAL CIRCULATION IN THE COMMUNITY WHERE THE WATER RIGHT
14 INVOLVED IS SITUATED. THE PETITIONER SHALL PAY THE COST
15 OF THE ADVERTISEMENT PRIOR TO THE TIME OF HEARING, AND
16 PROVIDE A STENOGRAPHIC RECORD OF PROCEEDINGS TO BE TRANS-
17 MITTED TO THE STATE ENGINEER. FOLLOWING RECEIPT OF THE
18 TRANSCRIPT, THE STATE ENGINEER SHALL PROMPTLY REVIEW THE
19 RECORD AND ISSUE A WRITTEN ORDER GRANTING OR DENYING THE
20 PERMIT AMENDMENT.

21 ~~(b)~~(c) The state board of control is authorized,
22 upon the written petition of the owner, to issue amended
23 certificates of appropriation for water rights that have

1 been adjudicated ~~for-the-purpose-of-correcting--errors--or~~
2 ~~otherwise~~, when in the judgment of the board it appears
3 necessary. THE TOTAL AMOUNT OF THE APPROPRIATION OF WATER
4 SHALL NOT EXCEED THE AMOUNT SET FORTH IN THE ORIGINAL CER-
5 TIFICATE OF APPROPRIATION AND, IN THE CASE OF AN APPROPRI-
6 ATION FOR IRRIGATION USE, the total area of the lands ~~may~~
7 SHALL not exceed the TOTAL area described in the original
8 certificate of appropriation. The amended area shall not
9 exceed the area actually irrigated under the original
10 right. Any petitioner must be the owner of all the land
11 involved in the petition, except that in cases where
12 amendments are petitioned for in a regularly organized
13 conservancy or irrigation district, the consent of the
14 district board and the consent or agreement of the land
15 owners directly involved is sufficient. Proper adjustments
16 must be made in any assessment levied against lands
17 affected by the amendment. The rights of other
18 appropriators shall not be injuriously affected thereby.

19 ~~(e)~~(d) Upon petition for an amended certificate of
20 appropriation of water, the state board of control shall,
21 except in case of clerical errors, cause a public hearing
22 to be held on the petition before the superintendent of
23 the water division in which such appropriation is located,
24 with notice of the hearing to be advertised in at least

one (1) issue of a newspaper having general circulation in the community where the water right involved is situated. The petitioner shall pay the cost of the publication prior to the time of hearing and provide a stenographic record of proceedings to be transmitted by the division superintendent to the state board of control, together with his report. At the time the petition is filed a fee of five dollars (\$5.00) for each amended certificate issued shall be collected by the state board of control with a deposit of sufficient funds to cover the cost of preparing and recording a certified copy of the order. The fees for recording shall be returned to the petitioner in case the petition is not granted.

14 Section 2. This act is effective May 23, 1985.

15 (END)

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

1985

STATE OF WYOMING

85LSO-0092/SUB
NOT ADOPTED

HOUSE BILL NO. 0005A

Water permit amendments.

Sponsored by: JOINT AGRICULTURE, PUBLIC LANDS AND
WATER RESOURCES INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 41-4-514 relating to amendment of
2 water permits; authorizing the state engineer to amend
3 water permits prior to adjudication by the board of con-
4 trol upon petition of the permit holder; prohibiting
5 amendment if it injuriously affects other appropriators;
6 providing an amendment does not change the priority date
7 of the permit; modifying the authority of the state board
8 of control to amend certificates of appropriation;
9 increasing the fee for issuance of an amended certificate
10 of appropriation; and providing for an effective date.

1 Be It Enacted by the Legislature of the State of Wyoming:

2 Section 1. W.S. 41-4-514 is amended to read:

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

6 (a) ~~The--state--engineer--is--hereby--authorized,--upon~~
7 ~~written-petition-of-the-owner,--to--amend--any--permit--to~~
8 ~~appropriate-water-prior-to-adjudication-by-the-state-board~~
9 ~~of--control-for-the-purpose-of-correcting-errors-or-ether-~~
10 ~~wise,--when-in-his-judgment-such-amendment--appears--desir-~~
11 ~~able--or-necessary.-The-total-area-of-lands-may-not-exceed~~
12 ~~the-area-described-in-the-original--permit.~~ UPON WRITTEN
13 PETITION OF THE PERMIT HOLDER, THE STATE ENGINEER MAY COR-
14 RECT SCRIBNER'S ERRORS AND AMEND ANY PERMIT TO APPROPRIATE
15 WATER AT ANY TIME PRIOR TO ADJUDICATION BY THE STATE BOARD
16 OF CONTROL WHEN IN THE JUDGMENT OF THE STATE ENGINEER THE
17 AMENDMENT APPEARS NECESSARY, AND PROVIDING:

18 (i) NO PETITION TO AMEND SHALL BE GRANTED IF
19 EXISTING WATER APPROPRIATORS WHO HAVE ADJUDICATED WATER
20 RIGHTS OR VALID PERMIT ARE INJURIOUSLY AFFECTED;

21 (ii) THE PRIORITY DATE OF THE PERMIT SHALL NOT
22 BE IMPROVED;

1 (iii) THE TOTAL AMOUNT OF THE APPROPRIATION OF
2 WATER SHALL NOT EXCEED THE AMOUNT SET FORTH IN THE ORIGI-
3 NAL PERMIT AND, FOR IRRIGATION PERMITS, THE TOTAL AREA OF
4 LAND SHALL NOT EXCEED THE TOTAL AREA DESCRIBED IN THE
5 ORIGINAL PERMIT; AND

6 (iv) NO CHANGE OF USE SHALL EVER BE GRANTED.

7 (b) THE STATE ENGINEER MAY HOLD A PUBLIC HEARING ON
8 A PETITION UNDER SUBSECTION (a) OF THIS SECTION TO GATHER
9 FACTS TO DETERMINE IF OTHER APPROPRIATORS WILL BE INJURI-
10 OUSLY AFFECTED. THE STATE ENGINEER SHALL HOLD A PUBLIC
11 HEARING ON A PETITION UNDER SUBSECTION (a) OF THIS SECTION.
12 IF REQUESTED TO DO SO BY ANY AFFECTED PARTY. IF THE STATE
13 ENGINEER HOLDS A PUBLIC HEARING, THE STATE ENGINEER SHALL
14 CAUSE TO BE PUBLISHED A NOTICE OF THE HEARING TO BE ADVER-
15 TISED IN AT LEAST ONE (1) ISSUE OF ANY NEWSPAPER HAVING
16 GENERAL CIRCULATION IN THE COMMUNITY WHERE THE WATER RIGHT
17 INVOLVED IS SITUATED. THE PETITIONER SHALL PAY THE COST
18 OF THE ADVERTISEMENT PRIOR TO THE TIME OF HEARING, AND
19 PROVIDE A STENOGRAPHIC RECORD OF PROCEEDINGS TO BE TRANS-
20 MITTED TO THE STATE ENGINEER. FOLLOWING RECEIPT OF THE
21 TRANSCRIPT, THE STATE ENGINEER SHALL PROMPTLY REVIEW THE
22 RECORD AND ISSUE A WRITTEN ORDER GRANTING OR DENYING THE
23 PERMIT AMENDMENT.

1 (c) ANY DECISION BY THE STATE ENGINEER GRANTING OR
2 DENYING A PERMIT AMENDMENT UNDER THIS SECTION MAY BE
3 APPEALED TO THE BOARD OF CONTROL.

4 ~~(b)~~ (d) The state board of control is authorized,
5 upon the written petition of the owner, to issue amended
6 certificates of appropriation for water rights that have
7 been adjudicated for the purpose of correcting SCRIBNER'S
8 errors or-otherwise, AND when in the judgment of the board
9 it appears necessary. THE TOTAL AMOUNT OF THE APPROPRIA-
10 TION OF WATER SHALL NOT EXCEED THE AMOUNT SET FORTH IN THE
11 ORIGINAL CERTIFICATE OF APPROPRIATION AND, IN THE CASE OF
12 AN APPROPRIATION FOR IRRIGATION USE, the total area of the
13 lands may SHALL not exceed the TOTAL area described in
14 the original certificate of appropriation. The amended
15 area shall not exceed the area actually irrigated under
16 the original right. Any petitioner must be the owner of
17 all the land involved in the petition, except that in
18 cases where amendments are petitioned for in a regularly
19 organized conservancy or irrigation district, the consent
20 of the district board and the consent or agreement of the
21 land owners directly involved is sufficient. Proper
22 adjustments must be made in any assessment levied against
23 lands affected by the amendment. The rights of other

1 appropriators shall not be injuriously affected thereby.

2 (e)(e) Upon petition for an amended certificate of
3 appropriation of water, the state board of control shall,
4 except in case of clerical errors, cause a public hearing
5 to be held on the petition before the superintendent of
6 the water division in which such appropriation is located,
7 with notice of the hearing to be advertised in at least
8 one (1) issue of a newspaper having general circulation in
9 the community where the water right involved is situated.
10 The petitioner shall pay the cost of the publication prior
11 to the time of hearing and provide a stenographic record
12 of proceedings to be transmitted by the division superin-
13 tendent to the state board of control, together with his
14 report. At the time the petition is filed a fee of five
15 TEN dollars (~~\$5.00~~) (\$10.00) for each amended certificate
16 issued shall be collected by the state board of control
17 with a deposit of sufficient funds to cover the cost of
18 preparing and recording a certified copy of the order. The
19 fees for recording shall be returned to the petitioner in
20 case the petition is not granted.

21 Section 2. This act is effective May 23, 1985.

22 (END)

House of Intro				Second House					
_____	To Com. No.	_____		_____	To Com No.	_____			
_____	Stand Report	Do	Amd	Not	_____	Stand Report	Do	Amd	Not
_____	Com Whole	Do	Amd	Not	_____	Com Whole	Do	Amd	Not
_____	2nd Reading	Amd			_____	2nd Reading	Amd		
_____	3rd Reading	Amd	Pass	Fail	_____	3rd Reading	Amd	Pass	Fail

1985

STATE OF WYOMING

85LSO-0092/eng

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ENGROSSED

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