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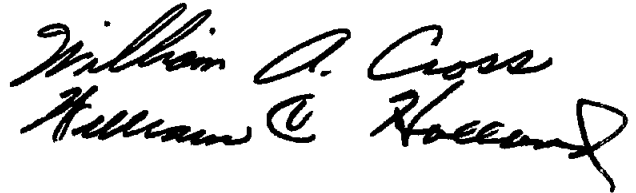
STATE OF WYOMING

77LSO-411.01

HOUSE BILL NO. 215

Approval of water right.

Sponsored by: Representative CROSS



## A BILL

for

1 AN ACT to amend W.S. 41-203 relating to recordation of  
2 water appropriation applications; allowing the board of  
3 control to reject conflicting applications; enumerating  
4 factors to be used in determining public interest and wel-  
5 fare; and providing for an effective date.

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

7 Section 1. W.S. 41-203 is amended to read:

8 41-203. Recordation; approval or rejection gener-  
9 ally.

10 (a) All applications which ~~shall~~ comply with the  
11 provisions of this chapter, and with the regulations of  
12 the engineer's office, shall be recorded in a suitable  
13 book kept for that purpose. ~~and it shall be the duty of~~  
14 The state engineer ~~to~~ SHALL approve all applications made  
15 in proper form, which contemplate the application of the  
16 water to a beneficial use and where the proposed use does

1 not tend to impair the value of existing rights, or be  
2 otherwise detrimental to the public welfare. But where  
3 there is no unappropriated water in the proposed source of  
4 supply, or where the proposed use conflicts with existing  
5 rights, or threatens to prove detrimental to the public  
6 interest, ~~it shall be the duty of~~ the state engineer to OR  
7 THE BOARD OF CONTROL SHALL reject such THE application  
8 and refuse to issue the permit asked for.

9 (b) IN DETERMINING THE PUBLIC INTEREST AND WELFARE,  
10 THE STATE ENGINEER SHALL CONSIDER THE FACTORS ENUMERATED  
11 IN W.S. 41-1.42.

12 Section 2. This act is effective May 27, 1977.

13 (END)

FISCAL NOTE

Fiscal Note No. 376  
 Requester Representative Cross

L.S.O. <u>411</u>	Draft <u>L1</u>
Bill No.	Jt. Res. No.

Part I. Fiscal Data:


SHORT TITLE OF BILL: <u>Approval of water right</u>	STATUTORY REFERENCE Nos. <u>W.S. 41-203</u>	NAME OF FUND <u>Not Applicable</u>
AGENCY TITLE: <u>State Engineer</u>		
SOURCE OF APPROPRIATION/REVENUE <u>Not applicable.</u>		New Program <input type="checkbox"/> Change in Existing Program <input checked="" type="checkbox"/> Local Government Impact <input type="checkbox"/>

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

NO FISCAL IMPACT.

Date <u>1/19/77</u>	 Agency	Authorized Representative
Date	Legislative Auditor Clearance	

*HB 215*

HB 215

HB215HS1/ A

- Page 1-line 2 Delete "allowing the board of".
- Page 1-line 3 Delete.
- Page 1-line 4 Delete "factors to be used in determing"  
insert "clarifying the determination of  
the".
- Page 2-line 2 Strike "welfare" insert "INTEREST".
- Page 2-line 6 Delete "OR".
- Page 2-line 7 Delete "THE BOARD OF CONTROL".
- Page 2-lines 9 through 11 - Delete and insert:

"(b) IN ACTION ON ALL APPLICATIONS FOR WATER RIGHT  
PERMITS FOR THE DIRECT USE OF NATURAL UNSTORED FLOW OF WATER  
EXCEEDING TEN (10) CUBIC FEET PER SECOND AND FOR ANY RESER-  
VOIR WITH A CAPACITY EXCEEDING ONE THOUSAND (1,000) ACRE  
FEET, THE STATE ENGINEER SHALL CONSIDER THE PUBLIC INTEREST  
AND WELFARE AS PROVIDED FOR IN W.S. 41-1.42". -J.L.GRAHAM

PJG