

**CHAPTER 170**

Original House Bill No. 360

**TRANSFER OF WATER RIGHT**

AN ACT to create section 41-4.1 of the statutes relating to procedure to change use or place of use of water right; and providing only historic amount of water used or diverted under the right may be transferred.

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

**Section 1.** Section 41-4.1 of the statutes is created to read:

**41-4.1. Procedure to change use or place of use.** When an owner of a water right wishes to change a water right from its present use to another use, or from the place of use under the existing right to a new place of use, he shall file a petition requesting permission to make such a change. The petition shall set forth all pertinent facts about the existing use and the proposed change in use, or, where a change in place of use is requested, all pertinent information about the existing place of use and the proposed place of use. The board may require that an advertised public hearing or hearings be held at the petitioner's expense. The petitioner shall provide a transcript of the public hearing to the board. The change in use, or change in place of use shall be allowed, provided that the quantity of water transferred by the granting of the petition shall not exceed the amount of water historically diverted under the existing use, nor exceed the historic rate of diversion under the existing use, nor increase the historic amount consumptively used under the existing use, nor decrease the historic amount of return flow, nor in any manner injure other existing lawful appropriations. In all cases where the matter of compensation is in dispute, the question of compensation shall be submitted to the proper district court for determination.

Approved March 3, 1973.