

H. B. No. 116 H. E. A. #74
Introduced by Committee No. 13
Rands and Irrigation

A BILL
for

AN ACT to amend and re-enact
Section 122-415, Wyoming
Revised Statutes, 1931,
relating to correction of
errors in permits by State
Engineer and correction of
certificates of appropri-
ation of water by State
Board of Control, and to
amend and re-enact Section
122-401, Wyoming Revised
Statutes, 1931, as amended
and re-enacted by Chapter
25, Session Laws of Wyo-
ming, 1941, relating to the
nature of water rights and
use of water.

Jan. 26, 1945
Introduced
Read first time
Referred to Com. No. 13
Delivered to Printing Com.
Feb. 6, 1945
Delivered to Com. No. 13
Feb. 7, 1945
Returned from Com. No. 13
Recommended do pass
Placed on general file
Feb. 8, 1945
Considered in Committee of
Whole
Recommended do pass
Committee of Whole report
adopted
Placed on 2nd reading
Feb. 9, 1945
Read second time
Ordered engrossed and read third
time
Delivered to Com. No. 18

RETURNED FROM COM. NO. 18
PLACED ON 3RD READING
FEB 10 1945
Amended as follows

Insert additional paragraph at end of Section 1, to read as follows:

Read 3rd time
PASSED
AYES 48, NOES 3, ENVOYED 2, ABSENT 2
Sent to Senate

FEB 10 1945

Received from House	✓
Read 1st time	✓
Delivered to Com. No.	5
Delivered to Com. No.	5

FEB 13 1945

Returned from Committee No. 5

RECOMMEND DO PASS

Placed on general file.

FEB 14 1945

Considered in Committee of the Whole

RECOMMEND DO PASS

Committee of Whole Report Adopted

FEB 15 1945

Read second time

Ordered read third time

Under suspension of the Rules

READ THIRD TIME

Passed, Ayes 48, Noes 0, Absent 0, Exc. 1

Sent to House

FEB 15 1945

Resolved from Senate

DELIVERED TO COM. NO. 18

H. E. No. 116 H. E. A. #74
Introduced by Committee No. 13
Irrigation and Reclamation

BILL

AN ACT to amend and re-enact
Section 122-115, Wyoming
Revised Statutes, 1921,
relating to correction of
errors in permits by State
Engineers and correction of
certificates of appropriation
of water by State
Board of Control, and to
amend and re-enact Section
122-401, Wyoming Revised
Statutes, 1921, as amended
and re-enacted by Chapter
25, Session Laws of Wy-
oming, 1921, relating to the
nature of water rights and
use of water.

Jan. 26, 1945

Introduced

Read first time

Referred to Com. No. 13

Delivered to Printing Com.

Feb. 6, 1945

Delivered to Com. No. 13

Feb. 7, 1945

Returned from Com. No. 13

Recommended do pass

Placed on General file

Feb. 8, 1945

Considered in Committee of
Whole

Recommended do pass

Committee of Whole report
adopted

Placed on 2nd reading

Feb. 9, 1945

Read second time

Ordered engrossed and read third
time

Delivered to Com. No. 15

Insert additional paragraph at end of Section 1, to read as follows:

The State Board of Control shall, upon petition for an amended certificate of appropriation of water, where a change of land description is requested, except in case of clerical errors, cause a public hearing to be held on said petition before the Superintendent of the Water Division in which such appropriation is located, and notice of said hearing to be advertised in at least one issue of a newspaper having general circulation in the community where the water right involved is situated. The petitioner shall pay the cost of such advertisement 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 thereon. At the time of filing the petition a fee of two dollars, the same as in the original adjudication, shall be collected by the State Board of Control for each amended certificate of appropriation of water issued and a deposit of sufficient funds to cover the cost of preparing and recording a certified copy of the order of said Board granting such petition; provided that the fees for recording shall be returned to the petitioner in case the petition is not granted.

RECEIVED FROM COM. NO. 13
PLACED ON 3RD READING
FEB 10 1945
Amended as follows

Read 3rd time
PASSED
FEB 14 1945
Sent to Senate

Received from Senate
DELIVERED TO COM. NO. 15

H. B. No. 116

Introduced by

Committee No. 13 Land & Survey

A B I L L

for

AN ACT to amend and re-enact Section 122-415, Wyoming Revised Statutes, 1931, relating to correction of errors in permits by State Engineer and correction of certificates of appropriation of water by State Board of Control, and to amend and re-enact Section 122-401, Wyoming Revised Statutes, 1931, as amended and re-enacted by Chapter 25, Session Laws of Wyoming, 1941, relating to the nature of water rights and use of water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That Section 122-415, Wyoming Revised Statutes, 1931, be amended and re-enacted as follows:

Section 122-415. The state engineer is hereby authorized, upon written *** PETITION *** of the owner, to *** AMEND *** any permit *** TO APPROPRIATE WATER PRIOR TO ADJUDICATION BY THE STATE BOARD OF CONTROL FOR THE PURPOSE OF CORRECTING ERRORS OR OTHERWISE, WHEN IN HIS JUDGMENT SUCH AMENDMENT APPEARS DESIRABLE OR NECESSARY; PROVIDED THAT THE TOTAL AREA OF LANDS MAY NOT EXCEED THE AREA DESCRIBED IN THE ORIGINAL PERMIT.

THE STATE BOARD OF CONTROL IS HEREBY AUTHORIZED, UPON THE WRITTEN PETITION OF THE OWNER, TO ISSUE AMENDED CERTIFICATES OF APPROPRIATION FOR WATER RIGHTS THAT HAVE BEEN ADJUDICATED, FOR THE PURPOSE OF CORRECTING ERRORS OR OTHERWISE, WHEN IN THE JUDGMENT OF THE SAID BOARD IT APPEARS DESIRABLE OR NECESSARY; PROVIDED THAT THE TOTAL AREA OF THE LANDS MAY NOT EXCEED THE AREA DESCRIBED IN THE ORIGINAL CERTIFICATE OF

APPROPRIATION; AND PROVIDED, FURTHER, THAT THE AMENDED AREA MAY NOT EXCEED THE AREA ACTUALLY IRRIGATED UNDER THE ORIGINAL RIGHT; AND PROVIDED, FURTHER, THAT THE RIGHTS OF OTHER APPROPRIATORS NOT BE INJURIOUSLY AFFECTED THEREBY. (see amend.)

Section 2. That Section 122-401, Wyoming Revised Statutes, 1931, as amended and re-enacted by Chapter 25, Session Laws of Wyoming, 1941, be amended and re-enacted to read as follows:

Section 122-401. A water right is a right to use the water of the state, when such use has been acquired by the beneficial application of water under the laws of the state relating thereto, and in conformity with the rules and regulations dependent thereon. Beneficial use shall be the basis, the measure and limit of the right to use water at all times, not exceeding the statutory limit except as provided by Section 122-117 Revised Statutes of Wyoming, 1931, as amended by Chapter 105, Section 1, Session Laws of Wyoming, 1935. Water being always the property of the state, rights to its use shall attach to the land for irrigation, or to such other purposes or object for which acquired in accordance with the beneficial use made for which the right receives public recognition, under the law and the administration provided thereby. Water rights for the direct use of the natural unstored flow of any stream cannot be detached from the lands, place or purpose for which they are acquired, except as provided in Sections 122-402 and 122-403, Revised Statutes of Wyoming, 1931, pertaining to a change to preferred use, AND EXCEPT AS PROVIDED IN SECTION 1 OF THIS ACT.

Section 3. This Act shall take effect and be in force from and after its passage.

H. B. No. 116

Introduced by

Com. No. 13 Lewis & Livingston

A BILL

for

AN ACT to amend and re-enact Section 122-415, Wyoming Revised Statutes, 1931, relating to correction of errors in permits by State Engineer and correction of certificates of appropriation of water by State Board of Control, and to amend and re-enact Section 122-401, Wyoming Revised Statutes, 1931, as amended and re-enacted by Chapter 25, Session Laws of Wyoming, 1941, relating to the nature of water rights and use of water.

JAN 26 1945

Introduced	✓
Read first time	✓
Referred to Com. No. <u>13</u>	
Delivered to Printing Com.	✓

FEB 6 1945

DELIVERED TO COM. NO. 13

FEB 7 1945

RETURNED FROM COM. NO. 13

Recommended do pass

Placed on general file

FEB 8 1945

Recommenced in Committee of whole

Recommended do pass

COMMITTEE OF WHOLE REPORT ADOPTED

PLACED ON 2ND READING

FEB 9 1945

READ SECOND TIME

ORDERED ENROSSED AND READ THIRD TIME

DELIVERED TO COM. NO. 18

