

CHAPTER 145

Original Senate File No. 226

ATTORNEY GENERAL — WATER SUITS

AN ACT to create section 41-1.22; and to repeal section 41-76 of the statutes relating to suits to enforce water rights and appeal from decisions of the state engineer and board of control; providing the attorney general may sue to enjoin unlawful appropriation, etc., of water; and providing the district court and supreme court shall advance appeals on their dockets.

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

Section 1. Section 41-1.22 of the statutes is created to read:

41-1.22. Suits for enforcement of water rights; appeals from decisions of state engineer and state board of control.

(a) Upon the request of the state engineer, the attorney general shall bring suit in the name of the state of Wyoming, in the proper district court, to enjoin the unlawful appropriation, diversion or use of the waters of the state, or the waste or loss thereof. A showing of injury in such suits shall not be required as a condition to the issuance of any temporary restraining order, preliminary or permanent injunction. If an appeal is taken from the judgment or decree entered by the district court in such suit, it shall be the duty of the supreme court, at the request of one of the parties, to advance the appeal to the head of its docket and give it precedence over all other civil causes in the hearing and determination thereof.

(b) Upon any appeal being taken from the board of control or state engineer to a district court, it shall be the duty of the court, at the request of one of the parties, to advance the appeal to the head of its trial docket and to give the appeal precedence over all civil causes in the hearing and determination thereof. If an appeal is then taken from the judgment or decree of the district court to the supreme court of the state, it shall be the duty of the supreme court, at the request of one of the parties to the appeal, to advance the appeal to the head of its docket and give it precedence over all civil causes in the hearing and determination thereof.

Section 2. Section 41-76 of the statutes is repealed.

Approved February 24, 1973.