

Proposed Subdivision Developments

Wyoming Statute 18-5-306(a)(xi) provides for the disposition of any water rights appurtenant to the lands involved in a proposed subdivision development prior to its approval by the county officials.

If there are no water rights found on the lands to be subdivided, the developer should obtain a statement from the State Engineer's Office confirming this fact for submittal to county officials.

The disposition of each water right must be in accordance with one or more of the following four (4) procedures:

1. If the water rights are adjudicated, the developer will submit a petition for voluntary abandonment. Proper ownership documentation is required; other documentation may be required.
2. If the water rights are unadjudicated, the developer will submit a written request to the State Engineer for either cancellation of the entire permit or for the elimination of the lands involved from the permit. Either request must be accompanied by proper ownership documentation.
3. The developer may petition for change in place of use of all or part of the water rights to new lands, or change all or part of the water rights to new uses, and thereby provide for the continued beneficial use of the water. Submittal of a proper petition and certified map will be required.
4. In addition to disposing of water rights under roadways and other areas no longer irrigated, the developer may leave all or part of the water rights on the land and develop a plan for distribution within the subdivision. This plan will be evaluated so it does not introduce or perpetuate errors in the records of the State Engineer's Office.

Water Distribution Plans

The developer shall submit a plan, certified by a Professional Engineer or Land Surveyor to the State Engineer and copy to the local irrigation district board, association, or remaining appropriators in the case of an unorganized ditch or pipeline system for distribution of the water rights within and through the subdivision.

The Water Distribution Plan must show or satisfy that:

1. All existing water rights which will remain attached to the lands proposed to be subdivided;
2. How each water right is to be conveyed from the source to and beyond the lands proposed to be subdivided;
3. How the water is to be delivered to the various lots within the proposed subdivision;
4. How much acreage of each water right is to remain appurtenant to each lot within the proposed subdivision;
5. The water right items to be shown on the water distribution plan for each proposed subdivision lot should include:
 - a. Permit number, proof and certificate record (if adjudicated), court decree priority (if applicable), stream name, name of supply facility, priority date and source of the water right(s);
 - b. Numbers of acres permitted or adjudicated and currently being actively irrigated;
 - c. The facility which conveys water from the source stream to the proposed subdivision, should be shown in its entirety, on the location map;
 - d. The means of conveyance of the water shall be shown on each lot entitled to water delivery. In addition, culverts to

convey the delivery under driveways and streets within the subdivision should be shown;

- e. Contour lines, direction of slopes or other means of showing direction of water flow should be included, if necessary, to assist in the evaluation of the means of delivery and application of water to the lots within the proposed subdivision;
- f. Because property owners are responsible for drainage of their waste water, depict how waste water is to be managed to insure it does not damage adjoining lands nor alter historic return flow patterns. To prevent property damage from irrigation or waste water to properties down gradient within or below the proposed subdivision it may be necessary to design and show waste ditches or drains to capture waster or return flow from upper lots.

Since Wyoming law does not recognize any riparian water rights, lot owners have no right to water flowing past or through the proposed subdivision other than for permitted use(s) specifically appropriated or adjudicated to their lot. A statement to this effect should be added to the plan.