

### ***Bill would involve districts earlier in subdivision process***

***Cheyenne*** - A bill that will come before the 2009 Wyoming Legislature in Cheyenne would replicate what's already happened with irrigation districts and subdivisions in several Wyoming counties, including Platte and Park.

"We've already done this on a piecemeal basis around the state, including Park and Platte counties, but we'd like to make it more uniform across the state," says Cheyenne attorney Kara Brighton of Hageman & Brighton.

"We're trying to change the timing of when the irrigation districts get involved in the subdivision process with an agreement made between the subdivider and the irrigation district before submittal of a subdivision application to the county planner," explains Brighton.

Instead of being a part of rules and regulations the process would move to state statute.

The bill has been proposed on behalf of Wyoming irrigation districts, and Brighton says she expects wide support from the districts. "We want them to have some say about how the subdivisions will go in."

Wheatland Irrigation District Manager Don Britton says Platte County has been operating in this way for a couple years already. "Subdividers already had to either come up with a water plan or abandon their water rights with the state, but we wanted them to be notified they had to do one of those things," he says.

"Everybody has the same problems in and around the state," says Britton, indicating that water regulation and subdivisions can become complicated in light of private property rights. However, "The more subdivisions there are the harder it is for us to control our water because we're left trying to deliver water to little subdivisions with no ditches. It's the responsibility of the landowner or the developer to include those developments."

Britton says for a while all his district did was meet with subdividers, and the new process was working well, but the economy has slowed development.

In addition to the timing of when an irrigation district becomes involved in subdivision planning, the legislation also deals with liability issues. "With the increasing populations around canal systems the probability of an accident or problem with the water, or some sort of a breach flooding what used to be a vacant field, increases," says Brighton.

Britton says another issue facing districts regarding subdivisions are the plattes. "All the easements for utilities have to be on the plattes, and they don't consider us a

utility so nobody knows where the ditches are. I don't know if we'll ever get that one through."

"Right now the subdividers come in to a county planner and the county planner asks the irrigation district if they have any problems with the proposal. When this changes the subdividers will go to the irrigation district manager for approval before filing with the county planner," explains Brighton. "It takes the county planner out of the middle, and the planners will prefer it."

She says it will also take the issue of water rights out of planning and zoning commission.

"I think a person has to always be vigilant about watching the statutes because we get left out of some of them," says Britton of Wyoming's irrigation districts. "We know what works and what doesn't and we need to be like the county commissioners and get a really strong lobby group going."

"The legislation that I've read looks pretty good and it looks like they're going in the right direction," says Britton of the bill. "I think it'll make people more aware of what was already in state statute." He also says it will ease the perception that irrigation districts hold up development.

"Everybody in the state is having trouble with subdivisions, and my opinion is that we need an orderly manner to see what they're going to do with irrigation," he says. "We're just one of the small problems in a subdivision, but it's a large problem for us when they aren't done right."

Britton says the bill would give districts and counties more upfront enforcement of what's been in state statute all along. "All people have to do is go with state statutes and it will be fine. Now the statutes will be out and more readily available for developers to look at."

As of Jan. 22 the bill had been introduced but was not yet scheduled for a hearing in the House.

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