

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Water permits-electronic permitting.

Sponsored by: Joint Agriculture, Public Lands and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to water; providing for the state  
2 engineer's office to conduct business electronically; and  
3 providing for an effective date.

4

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

6

7 **Section 1.** W.S. 41-1-112 is created to read:

8

9 **41-1-112. Conducting business electronically.**

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11 The state engineer's office will allow its business to be  
12 conducted electronically as provided by the Uniform  
13 Electronic Transactions Act, W.S. 40-21-118.

14

1           **Section 2.** W.S. 33-29-129(b), 33-29-139(a) by  
2 creating a new paragraph (iii) and by renumbering (iii)  
3 through (ix) as (iv) through (x), 41-3-110(b), 41-3-210,  
4 41-3-211, 41-3-301(a), 41-3-615, 41-4-502, 41-4-507 through  
5 41-4-510 are amended to read:

6

7           **33-29-129. Seals for registrants.**

8

9           (b) Nonelectronic plans, specifications, plats or  
10 reports prepared by a registrant or his bona fide employee  
11 shall be issued under his seal, with the signature of the  
12 registrant and the date signed superimposed over the seal.

13

14           **33-29-139. Maps, plats, plans or designs for filing**  
15 **to be made and certified by professional engineer or**  
16 **surveyor; exception; size of maps.**

17

18           (a) All maps, plats, plans or designs necessary to be  
19 filed in the state engineer's office, the office of state  
20 lands and investments, all county clerks offices, all city  
21 or town offices, or any other office of public record in  
22 the state of Wyoming, shall be made and certified by a  
23 professional engineer or land surveyor registered under  
24 this act. ~~The original~~ Hardcopy originals must either be

1 drawn in waterproof black ink or acetate ink, or be an  
2 acceptable photographic or other kind of reproduction on  
3 good quality tracing linen or a polyester base drafting  
4 film in a minimum thickness of four-thousandths (.004)  
5 inch, or as otherwise required by the receiving entity.  
6 Maps may be submitted in electronic form as provided by the  
7 Uniform Electronic Transactions Act, W.S. 40-21-101 through  
8 40-21-119. All nonelectronic maps, plats, plans or designs  
9 shall conform to one (1) of the following sizes and shall  
10 consist of one (1) original drawing together with one (1)  
11 print:

12

13 (i) Size A - Eight and one-half (8 1/2) inches  
14 wide and eleven (11) inches long;

15

16 (ii) Size AA - Eight and one-half (8 1/2) inches  
17 wide and fourteen (14) inches long;

18

19 (iii) Size AAA - Eleven (11) inches by seventeen  
20 (17) inches;

21

22 ~~(iii)~~ (iv) Size B - Fifteen (15) inches long and  
23 ten and three-fourths (10 3/4) inches wide. There shall be  
24 a minimum of one and one-half (1 1/2) inches margin on the

1 left side of the short dimension for a binding edge; the  
2 remaining three (3) margins shall be one-fourth (1/4) inch  
3 each;

4

5 ~~(iv)~~ (v) Size C - Thirty-six (36) inches long and  
6 twenty-two (22) inches wide. There shall be a minimum of  
7 one and one-half (1 1/2) inches margin on the left side of  
8 the short dimension for a binding edge; the remaining three  
9 (3) margins shall be one-half (1/2) inch each;

10

11 ~~(v)~~ (vi) Size D - Twenty-one and one-half (21  
12 1/2) inches long and fifteen (15) inches wide. There shall  
13 be a minimum of one and one-half (1 1/2) inches on the left  
14 side of the long dimension to serve as a binding edge; the  
15 three (3) remaining margins shall be three-eighths (3/8) of  
16 an inch each;

17

18 ~~(vi)~~ (vii) Size E - Thirty (30) inches long and  
19 twenty-one and one-half (21 1/2) inches wide. There shall  
20 be a minimum of one and one-half (1 1/2) inches margin on  
21 the left side of the short dimension to serve as a binding  
22 edge; the remaining margins shall be one-half (1/2) inch  
23 each;

24

1           ~~(vii)~~ (viii) Size F - Forty (40) inches long and  
2 thirty-five (35) inches wide. There shall be margins of  
3 three-fourths (3/4) of an inch on all edges;

4  
5           ~~(viii)~~ (ix) Size G - Twenty-four (24) inches by  
6 thirty-six (36) inches. There shall be a minimum of one  
7 and one-half (1 1/2) inches margin on the left side of the  
8 short dimension to serve as a binding edge; the three (3)  
9 remaining margins shall be one-half (1/2) inch each;

10

11           ~~(ix)~~ (x) Size H - Eighteen (18) inches by twenty-  
12 four (24) inches. There shall be a minimum of one and one-  
13 half (1 1/2) inches on the left side of the long dimension  
14 to serve as a binding edge; the three (3) remaining margins  
15 shall be three-eighths (3/8) of an inch each.

16

17           (b) The requirement for certification of maps and  
18 plans by a registered engineer or land surveyor shall not  
19 apply, in the case of applications filed in the state  
20 engineer's office ~~to construct small reservoirs for stock~~  
21 ~~purposes only, fishing preserve waters where the capacity~~  
22 ~~of such reservoir does not exceed twenty (20) acre feet or~~  
23 ~~twenty (20) feet in fill height; to develop springs for~~  
24 ~~stockwater purposes of up to twenty five (25) gallons per~~

1 ~~minute; or to construct flood water detention dams storing~~  
2 ~~fifty (50) acre feet or less and not to exceed twenty (20)~~  
3 ~~feet in fill height provided the dam has a minimum outlet~~  
4 ~~of eighteen (18) inches diameter and the dead storage does~~  
5 ~~not exceed twenty (20) acre feet~~ for certain small  
6 reservoirs or diversions as described in the rules  
7 promulgated by the state engineer's office.

8  
9 ~~(c) The application may be signed by the applicant or~~  
10 ~~an agent acting for him, and may be accompanied by aerial~~  
11 ~~photographs or United States geological survey quadrangle~~  
12 ~~maps of a scale conforming to the requirements of this act~~  
13 ~~with designation thereon of the township, range, section,~~  
14 ~~and section corner or quarter corner, and the location of~~  
15 ~~the installation designated in the quarter section on the~~  
16 ~~photographs or United States geological survey quadrangle~~  
17 ~~maps and a description of:~~

18  
19 ~~(i) The dam including height, width, depth,~~  
20 ~~construction materials, depth to be submerged and height of~~  
21 ~~the free board;~~

22  
23 ~~(ii) The reservoir including length, width,~~  
24 ~~average depth, submerged area and capacity;~~

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~~(iii) If aerial photographs or United States geological maps are submitted they must comply with the following requirements:-~~

~~(A) Two (2) aerial photographs or United States geological survey quadrangle maps mounted on eight (8) inch by ten (10) inch sheets must accompany each application;-~~

~~(B) The minimum scale on the aerial photographs or United States geological survey quadrangle maps must be not less than two (2) inches to the mile;-~~

~~(C) An identified section corner or quarter corner must be shown on each photograph or United States geological survey quadrangle map;-~~

~~(D) The entire section in which the facility is located must be shown on each photograph or United States geological survey map along with subdivision lines showing forty (40) acre tracts;-~~

1                   ~~(E) The location of the facility must be~~  
2 ~~shown within the proper forty (40) acre subdivision.~~

3

4                   ~~(d) All applications submitted under this act must~~  
5 ~~comply with properly promulgated rules and regulations of~~  
6 ~~the state engineer and the board of control not in conflict~~  
7 ~~with this act.~~

8

9                   **41-3-110. Right to acquire temporary water rights for**  
10 **highway or railroad roadbed construction or repair;**  
11 **application; restrictions; fee.**

12

13                   (b) Before any right to such use shall become  
14 operative, an application must be made in writing on a form  
15 provided or designated by the state engineer, with a copy  
16 of any conveyance or agreement ~~attached~~ provided, and it  
17 shall be filed in the office of the state engineer for his  
18 ratification and approval. Upon approval by the state  
19 engineer, an order authorizing such use and designating the  
20 method, place, and period of use may be entered. No loss,  
21 abandonment or impairment of such water rights shall occur  
22 or attach as a result of such change or use, except as  
23 provided by said conveyance or agreement and order of the  
24 state engineer, and upon termination of the temporary



1 diversion and use, as stated in the order, any affected  
2 right to the use of water shall automatically be reinvested  
3 with all the rights, privileges and uses, and purposes  
4 theretofore held and enjoyed.

5

6 **41-3-210. Change of point of diversion; contents of**  
7 **petition.**

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9 All ~~petitioners~~petitions for such change of point of  
10 diversion shall be made to the state board of control  
11 setting forth the acreage in each legal subdivision of land  
12 irrigated, with the total acreage, together with ~~maps in~~  
13 ~~duplicate, one (1) of which shall be on tracing linen~~ a  
14 map, showing the location of the stream, the ditch, the old  
15 and new points of diversion, the new point of diversion in  
16 Wyoming to be tied to the nearest corner of the public land  
17 survey; the nature and extent of the irrigation works,  
18 their size, capacity, and length, and a certified copy of  
19 the proceedings had before the proper board, officer, or  
20 court, which has authority in the adjoining state to  
21 adjudicate water rights; amount of water adjudicated, the  
22 land for which the same was adjudicated; the date of  
23 priority, the date of adjudication, showing the existence

1 of a valid water right, and that the same is in full force  
2 and effect.

3

4 **41-3-211. Change of point of diversion; endorsement**  
5 **and recording of petition.**

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7 Upon receipt of the petition by the board of control, it  
8 shall be the duty of the president of said board to make an  
9 endorsement thereon of the date of its receipt, and to ~~make~~  
10 ~~a record of same in a proper book kept for that purpose~~  
11 properly record receipt of the petition.

12

13 **41-3-301. Application for construction permit;**  
14 **contents; procedure.**

15

16 (a) Any person, corporation, association, or  
17 organization, of any nature whatsoever, hereafter intending  
18 to store or impound, for beneficial uses, any of the  
19 unappropriated waters of the state of Wyoming, shall,  
20 before commencing construction of any works for such  
21 purpose, or performing any work in connection with said  
22 proposed construction, make an application to the state  
23 engineer, for a permit to construct a reservoir. The  
24 application must set forth the name and post office address

1 of the applicant; the source of the water supply; the  
2 nature of the proposed use; the location and description of  
3 the proposed work; the time within which it is proposed to  
4 begin construction, and the time required for the  
5 completion of construction. Maps and plans shall conform  
6 with the provisions of W.S. 41-4-510. In case of reservoirs  
7 where the storage is for stock purposes only and the  
8 capacity does not exceed twenty (20) acre-feet and the  
9 height of dam does not exceed twenty (20) feet, the state  
10 engineer may issue a permit without the filing of a map; ~~on~~  
11 ~~tracing cloth;~~ however the state engineer may require  
12 certain information be submitted on special forms to be  
13 furnished or designated by him.

14

15 **41-3-615. Approval of diversion dam plans.**

16

17 ~~Duplicate~~ Plans for any diversion dam across the channel of  
18 a running stream, above five (5) feet in height, or of any  
19 other diversion dam intended to retain water above ten (10)  
20 feet in height, shall be submitted to the state engineer  
21 for his approval, and it shall be unlawful to construct  
22 such diversion dam until the said plans have been approved.

23

1           **41-4-502. Application for permit to acquire right to**  
2 **beneficial use of public water; duty of state engineer upon**  
3 **receipt; use for irrigation purposes; defective**  
4 **applications; corrections; cancellation; extensions.**

5  
6 On receipt of an application for a permit to acquire the  
7 right to the beneficial use of the public water of the  
8 state of Wyoming, which application shall be on a form  
9 prescribed or designated by the state engineer, it is the  
10 state engineer's duty to date the application and to make a  
11 record of receipt of the application ~~in a suitable book~~ in  
12 his office. It is the state engineer's duty to examine all  
13 applications to ascertain that they contain all the  
14 necessary information to show the location, nature and  
15 amount of the proposed beneficial use. If the proposed  
16 beneficial use is for irrigation purposes, the application  
17 shall give the total acreage to be irrigated and the  
18 acreage in each legal subdivision of land proposed to be  
19 irrigated. If, upon such examination, an application  
20 submitted in hard copy is found defective, it is the duty  
21 of the state engineer to return the application for  
22 correction, ~~by registered letter requesting registry return~~  
23 ~~receipt, the date of such return,~~ with reasons therefor,  
24 and the time allowed within which to make such corrections,

1 which shall not be less than ninety (90) days, shall be  
2 endorsed on the application, or by ~~letter~~ correspondence  
3 accompanying the return of the application, and a record  
4 made thereof. ~~in the book kept for recording receipts of~~  
5 ~~such application.~~ A like record shall be kept of the date  
6 of the return of corrected applications, and of the date of  
7 the refusal and return of applications rejected. If the  
8 application is submitted in hard copy, the defective  
9 application shall be returned by registered mail,  
10 requesting return receipt. If the application is submitted  
11 electronically, the defective application shall be returned  
12 electronically. If, at the expiration of the time allowed  
13 within which to make such corrections, the application has  
14 not been returned to the office of the state engineer with  
15 the corrections properly made, it is the duty of the state  
16 engineer to cancel the filing covered by the application.  
17 The state engineer, if in his opinion an extension is  
18 justified, or, upon request by the applicant for good cause  
19 shown, shall grant extensions of time for making  
20 corrections. However, extensions will not be granted if  
21 the request for the extension is received after the  
22 expiration of the time period the applicant seeks to  
23 extend.

24

1           **41-4-507. Maps and plats; when required with**  
2 **application; contents; format requirements; copies; duties**  
3 **of state engineer generally.**

4  
5           (a) Each application for a permit to appropriate  
6 waters for beneficial uses under a project embracing the  
7 major irrigable portion of an entire drainage basin within  
8 the limits of this state which has been approved by either  
9 state or federal agencies for development and construction  
10 in subdivisions as the result of preliminary  
11 investigations, must be accompanied by a map or plat ~~in~~  
12 ~~duplicate, the original of which shall be on tracing linen~~  
13 drawn on a scale to conform to the regulations of the state  
14 engineer, showing the approximate location of all streams,  
15 proposed reservoirs, main canals and the other data  
16 required under the terms of W.S. 41-3-301, together with  
17 the approximate location and area of the lands to be  
18 irrigated and approximate capacity of each of the  
19 reservoirs to be constructed. It shall be the duty of the  
20 state engineer to approve any such application made in  
21 conformity herewith which contemplates the application of  
22 the water of a drainage basin to the beneficial use of a  
23 major irrigable portion thereof where the proposed use does  
24 not tend to impair the value of existing rights, or to be

1 otherwise detrimental to the public welfare; provided,  
2 however, that any permit for appropriation of waters for  
3 beneficial uses upon the irrigable lands designated in such  
4 a drainage basin project application, must be conditioned  
5 for the submission to the state engineer of detailed maps,  
6 plans and specifications applicable to a single subdivision  
7 of the project and the approval thereof by the state  
8 engineer, prior to the commencement of the construction of  
9 any such subdivisions; provided further that such  
10 subdivision maps, plans and specifications shall conform to  
11 the requirements hereinafter set forth as applicable to  
12 other applications not embracing the major irrigable  
13 portion of an entire drainage basin.

14

15 (b) Every other application for permit to appropriate  
16 water for beneficial uses must be accompanied by a map or  
17 plat, ~~in duplicate,~~ showing accurately the location and  
18 extent of the proposed work. The ~~original of these~~ maps or  
19 plats must be drawn, ~~on tracing linen,~~ on a scale to  
20 conform to the regulations of the state engineer; they must  
21 show the location of the headgate or point of diversion by  
22 courses and distances from some government corner; they  
23 must show the actual location of the ditch or canal, or  
24 water line of the reservoir, and must show, wherever

1 section lines are crossed, the distance to the nearest  
2 government corner. The map or plat must show the course of  
3 the river, stream or other source of supply; the location  
4 and area of all lands proposed to be reclaimed; the  
5 position and area of all reservoirs or basins intended to  
6 be created for the purpose of storing water; the location  
7 of the intersection with all other ditches, canals,  
8 laterals or reservoirs which are caused by this work, or  
9 with which connections are made. These maps must contain  
10 the name of the proposed work, and, where possible, the  
11 number of the permit. They must in addition, have the name  
12 or names of the applicant or applicants and the certificate  
13 of the surveyor, giving the date of survey, his name and  
14 ~~post-office~~ address.

15

16 **41-4-508. Maps and plats; examination; approval;**  
17 **filing; return of copy.**

18

19 It shall be the duty of the state engineer to examine these  
20 maps or plats and to ascertain if they agree with the  
21 description contained in the application, and when found to  
22 agree, or made to agree, to approve the same, file one (1)  
23 copy in his office and return the other, approved, to the



1 party filing them. These maps or plats may be received and  
2 maintained by the state engineer in an electronic format.

3

4 **41-4-509. Maps and plats; additional information;**  
5 **longitudinal profiles of ditches.**

6

7 In case of ditches or canals carrying more than fifty (50)  
8 cubic feet of water per second, the engineer may require,  
9 in addition to the maps or plats above described, the  
10 following: a longitudinal profile of the ditch showing the  
11 bottom and proposed water line; the horizontal scale of  
12 this line shall not be less than one (1) inch to one  
13 thousand (1,000) feet, and the vertical scale not less than  
14 one (1) inch to twenty (20) feet. If submitted  
15 electronically, the file shall be capable of reproduction  
16 at these scales.

17

18 **41-4-510. Maps and plats; additional information;**  
19 **cross section plans; plans of obstructions; reservoir**  
20 **specifications; field notes.**

21

22 The engineer may require, in addition to the maps and plats  
23 above described, a plan showing cross sections at a  
24 sufficient number of points to show the different forms

1 which the ditch, when completed, will take, and showing  
2 what proportion of the water is to be conveyed in  
3 excavation and what proportion to be conveyed in fill.  
4 These plans shall be drawn, or be capable of being drawn  
5 and printed if submitted electronically, on a horizontal  
6 and vertical scale of one (1) inch to twenty (20) feet.  
7 Plans of any dams, cribs, embankments or other proposed  
8 work to obstruct any river, stream, lake or pond, or other  
9 source of water supply, shall be drawn on a longitudinal  
10 scale of not less than one (1) inch to two hundred (200)  
11 feet, and for cross sections on a scale of not less than  
12 one (1) inch to twenty (20) feet; and shall show what  
13 material is intended to be used and placed in such work.  
14 Timber, brush, stone or other material except earth used in  
15 such works shall be shown in detail on a plan, the scale of  
16 which shall not be less than one (1) inch to four (4) feet.  
17 The maps of all proposed reservoirs shall show the surface  
18 of the ground under water, and a sufficient number of lines  
19 of level shall be shown so that the contents of the  
20 reservoir or basin may be approximately determined. If the  
21 levels shall be shown by contour lines they shall be on a  
22 scale sufficiently large to show vertical levels not  
23 exceeding five (5) feet, and with all such reservoir plans  
24 there shall be furnished a plan, on a scale of not less

1 than one (1) inch to four (4) feet, showing the method of  
2 providing a wasteway for such reservoir, and method of  
3 drawing off the water from such reservoir or basin. If the  
4 state engineer deems it necessary he may require the  
5 submission of complete plans and specifications for his  
6 approval. He may also require the filing of field notes of  
7 canal and reservoir surveys.

8

9 **Section 3.** W.S. 33-29-139(c) and (d) is repealed.

10

11 **Section 4.** This act is effective immediately upon  
12 completion of all acts necessary for a bill to become law  
13 as provided by Article 4, Section 8 of the Wyoming  
14 Constitution.

15

16

(END)