

HOUSE BILL NO. HB0002

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.**

10

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)(intro),
2 41-3-110(b), 41-3-210, 41-3-211, 41-3-301(a), 41-3-615,
3 41-4-502 and 41-4-507 through 41-4-510 are amended to read:

4

5 **33-29-129. Seals for registrants.**

6

7 (b) Nonelectronic plans, specifications, plats or
8 reports prepared by a registrant or his bona fide employee
9 shall be issued under his seal.

10

11 **33-29-139. Maps, plats, plans or designs for filing**
12 **to be made and certified by professional engineer or**
13 **surveyor; exception; size of maps.**

14

15 (a) All maps, plats, plans or designs necessary to be
16 filed in the state engineer's office, the office of state
17 lands and investments, all county clerks offices, all city
18 or town offices, or any other office of public record in
19 the state of Wyoming, shall be made and certified by a
20 professional engineer or land surveyor registered under
21 this act. ~~The original~~ Hardcopy originals must either be
22 drawn in waterproof black ink or acetate ink, or be an
23 acceptable photographic or other kind of reproduction on
24 good quality tracing linen or a polyester base drafting

1 film in a minimum thickness of four-thousandths (.004)
2 inch, or as otherwise required by the receiving entity.
3 Maps formatted as required by the receiving entity may be
4 submitted in electronic form as provided by the Uniform
5 Electronic Transactions Act, W.S. 40-21-101 through
6 40-21-119. All maps, plats, plans or designs shall conform
7 to one (1) of the following sizes and shall consist of one
8 (1) original drawing together with one (1) print:

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

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

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

6

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

9

10 All ~~petitioners~~petitions for such change of point of
11 diversion shall be made to the state board of control
12 setting forth the acreage in each legal subdivision of land
13 irrigated, with the total acreage, together with ~~maps in~~
14 ~~duplicate, one (1) of which shall be on tracing linen~~ a
15 map, showing the location of the stream, the ditch, the old
16 and new points of diversion, the new point of diversion in
17 Wyoming to be tied to the nearest corner of the public land
18 survey; the nature and extent of the irrigation works,
19 their size, capacity, and length, and a certified copy of
20 the proceedings had before the proper board, officer, or
21 court, which has authority in the adjoining state to
22 adjudicate water rights; amount of water adjudicated, the
23 land for which the same was adjudicated; the date of
24 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.**

6

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

13

14

(END)