

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

15 **Section 2.** W.S. 33-29-129(b), 33-29-139(a)(intro), by
16 creating a new paragraph (iii), by renumbering (iii)

1 through (ix) as (iv) though (x) and (b), 41-3-110(b),
2 41-3-210, 41-3-211, 41-3-301(a), 41-3-615, 41-4-502 and
3 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 may be submitted in electronic form as provided by the
4 Uniform Electronic Transactions Act, W.S. 40-21-101 through
5 40-21-119. All nonelectronic maps, plats, plans or designs
6 shall conform to one (1) of the following sizes and shall
7 consist of one (1) original drawing together with one (1)
8 print:

9
10 (iii) Size AAA - Eleven (11) inches by seventeen
11 (17) inches;

12
13 ~~(iii)~~ (iv) Size B - Fifteen (15) inches long and
14 ten and three-fourths (10 3/4) inches wide. There shall be
15 a minimum of one and one-half (1 1/2) inches margin on the
16 left side of the short dimension for a binding edge; the
17 remaining three (3) margins shall be one-fourth (1/4) inch
18 each;

19
20 ~~(iv)~~ (v) Size C - Thirty-six (36) inches long and
21 twenty-two (22) inches wide. There shall be a minimum of
22 one and one-half (1 1/2) inches margin on the left side of
23 the short dimension for a binding edge; the remaining three
24 (3) margins shall be one-half (1/2) inch each;

1

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

8

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

15

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

19

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

1

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

7

8 (b) The requirement for certification of maps and
9 plans by a registered engineer or land surveyor shall not
10 apply, in the case of applications filed in the state
11 engineer's office ~~to construct small reservoirs for stock~~
12 ~~purposes only, fishing preserve waters where the capacity~~
13 ~~of such reservoir does not exceed twenty (20) acre feet or~~
14 ~~twenty (20) feet in fill height; to develop springs for~~
15 ~~stockwater purposes of up to twenty-five (25) gallons per~~
16 ~~minute; or to construct flood water detention dams storing~~
17 ~~fifty (50) acre feet or less and not to exceed twenty (20)~~
18 ~~feet in fill height provided the dam has a minimum outlet~~
19 ~~of eighteen (18) inches diameter and the dead storage does~~
20 ~~not exceed twenty (20) acre feet~~ for certain small
21 reservoirs or diversions as described in the rules
22 promulgated by the state engineer's office.

23

1 **41-3-110. Right to acquire temporary water rights for**
2 **highway or railroad roadbed construction or repair;**
3 **application; restrictions; fee.**

4
5 (b) Before any right to such use shall become
6 operative, an application must be made in writing on a form
7 provided or designated by the state engineer, with a copy
8 of any conveyance or agreement ~~attached~~provided, and it
9 shall be filed in the office of the state engineer for his
10 ratification and approval. Upon approval by the state
11 engineer, an order authorizing such use and designating the
12 method, place, and period of use may be entered. No loss,
13 abandonment or impairment of such water rights shall occur
14 or attach as a result of such change or use, except as
15 provided by said conveyance or agreement and order of the
16 state engineer, and upon termination of the temporary
17 diversion and use, as stated in the order, any affected
18 right to the use of water shall automatically be reinvested
19 with all the rights, privileges and uses, and purposes
20 theretofore held and enjoyed.

21
22 **41-3-210. Change of point of diversion; contents of**
23 **petition.**

24

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

18

19 **41-3-211. Change of point of diversion; endorsement**
20 **and recording of petition.**

21

22 Upon receipt of the petition by the board of control, it
23 shall be the duty of the president of said board to make an
24 endorsement thereon of the date of its receipt, and to ~~make~~

1 ~~a record of same in a proper book kept for that purpose~~
2 properly record receipt of the petition.

3
4 **41-3-301. Application for construction permit;**
5 **contents; procedure.**

6
7 (a) Any person, corporation, association, or
8 organization, of any nature whatsoever, hereafter intending
9 to store or impound, for beneficial uses, any of the
10 unappropriated waters of the state of Wyoming, shall,
11 before commencing construction of any works for such
12 purpose, or performing any work in connection with said
13 proposed construction, make an application to the state
14 engineer, for a permit to construct a reservoir. The
15 application must set forth the name and post office address
16 of the applicant; the source of the water supply; the
17 nature of the proposed use; the location and description of
18 the proposed work; the time within which it is proposed to
19 begin construction, and the time required for the
20 completion of construction. Maps and plans shall conform
21 with the provisions of W.S. 41-4-510. In case of reservoirs
22 where the storage is for stock purposes only and the
23 capacity does not exceed twenty (20) acre-feet and the
24 height of dam does not exceed twenty (20) feet, the state

1 engineer may issue a permit without the filing of a map; ~~on~~
2 ~~tracing cloth;~~ however the state engineer may require
3 certain information be submitted on special forms to be
4 furnished or designated by him.

5

6 **41-3-615. Approval of diversion dam plans.**

7

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

14

15 **41-4-502. Application for permit to acquire right to**
16 **beneficial use of public water; duty of state engineer upon**
17 **receipt; use for irrigation purposes; defective**
18 **applications; corrections; cancellation; extensions.**

19

20 On receipt of an application for a permit to acquire the
21 right to the beneficial use of the public water of the
22 state of Wyoming, which application shall be on a form
23 prescribed or designated by the state engineer, it is the
24 state engineer's duty to date the application and to make a

1 record of receipt of the application ~~in a suitable book~~ in
2 his office. It is the state engineer's duty to examine all
3 applications to ascertain that they contain all the
4 necessary information to show the location, nature and
5 amount of the proposed beneficial use. If the proposed
6 beneficial use is for irrigation purposes, the application
7 shall give the total acreage to be irrigated and the
8 acreage in each legal subdivision of land proposed to be
9 irrigated. If, upon such examination, an application
10 submitted in hard copy is found defective, it is the duty
11 of the state engineer to return the application for
12 correction, ~~by registered letter requesting registry return~~
13 ~~receipt, the date of such return,~~ with reasons therefor,
14 and the time allowed within which to make such corrections,
15 which shall not be less than ninety (90) days, shall be
16 endorsed on the application, or by ~~letter~~ correspondence
17 accompanying the return of the application, and a record
18 made thereof. ~~in the book kept for recording receipts of~~
19 ~~such application.~~ A like record shall be kept of the date
20 of the return of corrected applications, and of the date of
21 the refusal and return of applications rejected. If the
22 application is submitted in hard copy, the defective
23 application shall be returned by registered mail,
24 requesting return receipt. If the application is submitted

1 electronically, the defective application shall be returned
2 electronically. If, at the expiration of the time allowed
3 within which to make such corrections, the application has
4 not been returned to the office of the state engineer with
5 the corrections properly made, it is the duty of the state
6 engineer to cancel the filing covered by the application.
7 The state engineer, if in his opinion an extension is
8 justified, or, upon request by the applicant for good cause
9 shown, shall grant extensions of time for making
10 corrections. However, extensions will not be granted if
11 the request for the extension is received after the
12 expiration of the time period the applicant seeks to
13 extend.

14

15 **41-4-507. Maps and plats; when required with**
16 **application; contents; format requirements; copies; duties**
17 **of state engineer generally.**

18

19 (a) Each application for a permit to appropriate
20 waters for beneficial uses under a project embracing the
21 major irrigable portion of an entire drainage basin within
22 the limits of this state which has been approved by either
23 state or federal agencies for development and construction
24 in subdivisions as the result of preliminary

1 investigations, must be accompanied by a map or plat ~~in~~
2 ~~duplicate, the original of which shall be on tracing linen~~
3 drawn on a scale to conform to the regulations of the state
4 engineer, showing the approximate location of all streams,
5 proposed reservoirs, main canals and the other data
6 required under the terms of W.S. 41-3-301, together with
7 the approximate location and area of the lands to be
8 irrigated and approximate capacity of each of the
9 reservoirs to be constructed. It shall be the duty of the
10 state engineer to approve any such application made in
11 conformity herewith which contemplates the application of
12 the water of a drainage basin to the beneficial use of a
13 major irrigable portion thereof where the proposed use does
14 not tend to impair the value of existing rights, or to be
15 otherwise detrimental to the public welfare; provided,
16 however, that any permit for appropriation of waters for
17 beneficial uses upon the irrigable lands designated in such
18 a drainage basin project application, must be conditioned
19 for the submission to the state engineer of detailed maps,
20 plans and specifications applicable to a single subdivision
21 of the project and the approval thereof by the state
22 engineer, prior to the commencement of the construction of
23 any such subdivisions; provided further that such
24 subdivision maps, plans and specifications shall conform to

1 the requirements hereinafter set forth as applicable to
2 other applications not embracing the major irrigable
3 portion of an entire drainage basin.

4
5 (b) Every other application for permit to appropriate
6 water for beneficial uses must be accompanied by a map or
7 plat, ~~in duplicate,~~ showing accurately the location and
8 extent of the proposed work. The ~~original of these~~ maps or
9 plats must be drawn, ~~on tracing linen,~~ on a scale to
10 conform to the regulations of the state engineer; they must
11 show the location of the headgate or point of diversion by
12 courses and distances from some government corner; they
13 must show the actual location of the ditch or canal, or
14 water line of the reservoir, and must show, wherever
15 section lines are crossed, the distance to the nearest
16 government corner. The map or plat must show the course of
17 the river, stream or other source of supply; the location
18 and area of all lands proposed to be reclaimed; the
19 position and area of all reservoirs or basins intended to
20 be created for the purpose of storing water; the location
21 of the intersection with all other ditches, canals,
22 laterals or reservoirs which are caused by this work, or
23 with which connections are made. These maps must contain
24 the name of the proposed work, and, where possible, the

1 number of the permit. They must in addition, have the name
2 or names of the applicant or applicants and the certificate
3 of the surveyor, giving the date of survey, his name and
4 ~~post-office~~ address.

5

6 **41-4-508. Maps and plats; examination; approval;**
7 **filing; return of copy.**

8

9 It shall be the duty of the state engineer to examine these
10 maps or plats and to ascertain if they agree with the
11 description contained in the application, and when found to
12 agree, or made to agree, to approve the same, file one (1)
13 copy in his office and return the other, approved, to the
14 party filing them. These maps or plats may be received and
15 maintained by the state engineer in an electronic format.

16

17 **41-4-509. Maps and plats; additional information;**
18 **longitudinal profiles of ditches.**

19

20 In case of ditches or canals carrying more than fifty (50)
21 cubic feet of water per second, the engineer may require,
22 in addition to the maps or plats above described, the
23 following: a longitudinal profile of the ditch showing the
24 bottom and proposed water line; the horizontal scale of

1 this line shall not be less than one (1) inch to one
2 thousand (1,000) feet, and the vertical scale not less than
3 one (1) inch to twenty (20) feet. If submitted
4 electronically, the file shall be capable of reproduction
5 at these scales.

6

7 **41-4-510. Maps and plats; additional information;**
8 **cross section plans; plans of obstructions; reservoir**
9 **specifications; field notes.**

10

11 The engineer may require, in addition to the maps and plats
12 above described, a plan showing cross sections at a
13 sufficient number of points to show the different forms
14 which the ditch, when completed, will take, and showing
15 what proportion of the water is to be conveyed in
16 excavation and what proportion to be conveyed in fill.

17 These plans shall be drawn, or be capable of being drawn
18 and printed if submitted electronically, on a horizontal
19 and vertical scale of one (1) inch to twenty (20) feet.

20 Plans of any dams, cribs, embankments or other proposed
21 work to obstruct any river, stream, lake or pond, or other
22 source of water supply, shall be drawn on a longitudinal
23 scale of not less than one (1) inch to two hundred (200)
24 feet, and for cross sections on a scale of not less than

1 one (1) inch to twenty (20) feet; and shall show what
2 material is intended to be used and placed in such work.
3 Timber, brush, stone or other material except earth used in
4 such works shall be shown in detail on a plan, the scale of
5 which shall not be less than one (1) inch to four (4) feet.
6 The maps of all proposed reservoirs shall show the surface
7 of the ground under water, and a sufficient number of lines
8 of level shall be shown so that the contents of the
9 reservoir or basin may be approximately determined. If the
10 levels shall be shown by contour lines they shall be on a
11 scale sufficiently large to show vertical levels not
12 exceeding five (5) feet, and with all such reservoir plans
13 there shall be furnished a plan, on a scale of not less
14 than one (1) inch to four (4) feet, showing the method of
15 providing a wasteway for such reservoir, and method of
16 drawing off the water from such reservoir or basin. If the
17 state engineer deems it necessary he may require the
18 submission of complete plans and specifications for his
19 approval. He may also require the filing of field notes of
20 canal and reservoir surveys.

21

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

23

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

5

6

(END)