

ORIGINAL SENATE
FILE NO. 0009

ENROLLED ACT NO. 41, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2009 GENERAL SESSION

AN ACT relating to the state engineer; allowing electronic permitting; granting rulemaking authority; ratifying existing rules; and providing for an effective date.

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

Section 1. W.S. 41-4-501 is amended to read:

41-4-501. Permit required prior to construction of ditches, canals or other distributing works; contents of application; unlawful diversion or use of water prohibited; rulemaking authority.

(a) Any person, association or corporation hereafter intending to acquire the right to the beneficial use of the public water of the state of Wyoming shall, before commencing the construction, enlargement or extension of any ditch, canal or other distributing works, or performing any work in connection with said construction, or proposed appropriation, make an application to the state engineer for a permit to make such appropriation. Such application must set forth the name and post-office address of the applicant, the source of the water supply, the nature of the proposed use, the location and description of the proposed ditch, canal or other work, the time within which it is proposed to begin construction, the time required for completion of construction and the time required for the complete application of the water to the proposed use. Any person who shall willfully divert or use water to the detriment of others without compliance with law shall be deemed guilty of a misdemeanor punishable pursuant to W.S. 41-3-616.

(b) The state engineer may allow the application to be submitted electronically as provided by the Uniform

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Electronic Transactions Act, W.S. 40-21-101 through
40-21-119.

(c) The state engineer may adopt reasonable rules and
regulations in accordance with the Wyoming Administrative
Procedure Act as necessary to implement this section.

(d) Any rules and regulations implementing this
section or any predecessor to this section which were duly
adopted according to the procedure for adoption at the time
of adoption, which were effective as of July 1, 2008 and
which have not been repealed or replaced as of July 1,
2008, are deemed to have been lawfully adopted in
accordance with law and within the scope of the state
engineer's rulemaking authority.

Section 2. This act is effective July 1, 2009.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk