

HOUSE BILL NO. HB0018

State engineer rulemaking authority.

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

A BILL

for

1 AN ACT relating to the state engineer; granting rulemaking
2 authority; ratifying existing rules; and providing for an
3 effective date.

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

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7 **Section 1.** W.S. 9-1-906, 41-3-110 by creating a new
8 subsection (e), 41-3-301 by creating a new subsection (c)
9 and 41-4-501 are amended to read:

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11 **9-1-906. Weather modification defined; duty of state**
12 **engineer to gather information relative to experiments in**
13 **state; rulemaking authority.**

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15 The state engineer shall procure, compile and evaluate
16 information relative to weather modification experiments

1 and activities within the state boundaries. The term
2 "weather modification" means attempting to change or
3 control any of the weather phenomena by chemical,
4 mechanical or physical methods. The state engineer may
5 adopt reasonable rules and regulations in accordance with
6 the Wyoming Administrative Procedure Act as necessary to
7 implement this section.

8
9 **41-3-110. Right to acquire temporary water rights for**
10 **highway or railroad roadbed construction or repair;**
11 **application; restrictions; fee; rulemaking authority.**

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13 (e) The state engineer may adopt reasonable rules and
14 regulations in accordance with the Wyoming Administrative
15 Procedure Act as necessary to implement this section.
16 Rules and regulations to implement this section adopted
17 prior to January 1, 2007 and filed with the secretary of
18 state as of that date are hereby ratified.

19
20 **41-3-301. Application for reservoir construction**
21 **permit; contents; procedure; rulemaking authority.**

22
23 (c) The state engineer may adopt reasonable rules and
24 regulations in accordance with the Wyoming Administrative

Procedure Act as necessary to implement this section.
Rules and regulations to implement this section adopted
prior to January 1, 2007 and filed with the secretary of
state as of that date are hereby ratified.

**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.**

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

1 complete application of the water to the proposed use. Any
2 person who shall willfully divert or use water to the
3 detriment of others without compliance with law shall be
4 deemed guilty of a misdemeanor punishable pursuant to W.S.
5 41-3-616. The state engineer may adopt reasonable rules
6 and regulations in accordance with the Wyoming
7 Administrative Procedure Act as necessary to implement this
8 section. Rules and regulations to implement this section
9 adopted prior to January 1, 2007 and filed with the
10 secretary of state as of that date are hereby ratified.

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12 **Section 2.** Unless a different certification date is
13 otherwise provided in this act, rules and regulations
14 adopted by the state engineer prior to July 1, 2006 and
15 filed with the secretary of state as of that date are
16 hereby ratified.

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18 **Section 3.** This act is effective July 1, 2008.

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20 (END)