

SENATE FILE NO. SF0074

Permit not required for using a de minimis amount of water.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to water; eliminating permitting
2 requirements for the beneficial use of a de minimis amount
3 of water; and providing for an 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. 41-3-301(a) is amended to read:

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9 **41-3-301. Application for reservoir construction**
10 **permit; contents; procedure; exception.**

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12 (a) Any person, corporation, association, or
13 organization, of any nature whatsoever, hereafter intending
14 to store or impound, for beneficial uses, any of the
15 unappropriated waters of the state of Wyoming, shall,
16 before commencing construction of any works for such

1 purpose, or performing any work in connection with said
2 proposed construction, make an application to the state
3 engineer, for a permit to construct a reservoir. The
4 application must set forth the name and post office address
5 of the applicant; the source of the water supply; the
6 nature of the proposed use; the location and description of
7 the proposed work; the time within which it is proposed to
8 begin construction, and the time required for the
9 completion of construction. Maps and plans shall conform
10 with the provisions of W.S. 41-4-510. In case of reservoirs
11 where the storage is for stock purposes only and the
12 capacity does not exceed twenty (20) acre-feet and the
13 height of dam does not exceed twenty (20) feet, the state
14 engineer may issue a permit without the filing of a map;
15 however the state engineer may require certain information
16 be submitted on special forms to be furnished or designated
17 by him. No application under this subsection shall be
18 required for reservoirs with a total capacity of not more
19 than one-half (1/2) acre-foot of water and where the water
20 is stored or impounded through the construction of not more
21 than ten (10) temporary structures that are in close
22 proximity on any perennial stream segment. Any violation
23 of subsection (a) of this section shall be punishable

1 pursuant to W.S. 41-3-616 with the exception that the owner
2 of any unpermitted reservoir with a capacity of twenty (20)
3 acre-feet or less and a dam height of twenty (20) feet or
4 less shall have forty-five (45) days after receipt of the
5 written notice of violation pursuant to W.S. 41-3-616(a),
6 to submit an application for a permit. The application
7 shall meet the requirements of the state engineer's office.
8 Each day of the forty-five (45) days shall not be counted
9 as a separate violation if the application for a reservoir
10 permit is received during this forty-five (45) day period.

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12 **Section 2.** This act is effective July 1, 2020.

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(END)