1. General Information
a. Agency/Board Name
   Wyoming State Engineer's Office
b. Agency/Board Address
   122 West 25th Street, Herschler Building, 4 East
c. City
   Cheyenne
d. Zip Code
   82002
e. Name of Contact Person
   Lisa Lindemann
f. Contact Telephone Number
   (307) 777-5063

2. Rule Type and Information:
   For each chapter listed, indicate if the rule is New, Amended, or Repealed.

   If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
   (Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

<table>
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<th>Chapter Number</th>
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   d. ✔️ The Statement of Reasons is attached to this certification.

   e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:
3. **State Government Notice of Intended Rulemaking**

| a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: | May 30, 2014 |
| b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office: | May 30, 2014 |
| c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General: | May 30, 2014 |

4. **Public Notice of Intended Rulemaking**

| a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. | ☐ Yes  ☐ No  ☐ N/A |
| b. A public hearing was held on the proposed rules. | ☐ Yes  ☐ No |

| If "Yes:" | Date: | Time: | City: | Location: |

5. **Final Filing of Rules**

| a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: | July 23, 2014 |
| b. Date on which final rules were sent to the Legislative Service Office: | July 23, 2014 |
| c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: | July 23, 2014 |

6. **Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

| Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7) | Patrick I. Tyrrell |
| Printed Name of Signatory | State Engineer |
| Signatory Title | |
| Date of Signature | 7/23/14 |

7. **Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

| Governor's Signature | |
| Date of Signature | |


**ISO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyo.gov; clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.
STATEMENT OF PRINCIPAL REASONS FOR
PROMULGATING REGULAR RULES IN CHAPTER 1: FEES
OF THE
STATE ENGINEER’S OFFICE’S RULES

The State Engineer’s Office intends to promulgate regular rules in Chapter 1, “Fees”, of the State Engineer’s Office’s rules. The rules were filed by the Secretary of State on March 18, 2009. The 2009 rules provide for an amount not to exceed $25 from each domestic, stock, irrigation, municipal, industrial, and miscellaneous well permit application fee to be deposited into an account created under Wyo. Stat. Ann. § 33-42-116 for wells which require the use of a licensed well driller pursuant to Wyo. Stat. Ann. § 33-42-103.

The 2014 Legislature amended a statutory provision, Wyo. Stat. Ann. § 9-1-904(b), authorizing the State Engineer to increase the deposit of permit application fees for wells and groundwater developments into the Water Well Contractors Account to an amount not to exceed $50.00.

The ability to deposit up to $50.00 per permit in the Water Well Contractors Account will provide the necessary funding needed to operate and manage the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors, and administer Wyo. Stat. Ann. §§ 33-42-101-117.

Rules will allow the deposit of up to $50.00 per permit into the Account, allowing for the continuous operation and management of the Board and the administration of Wyo. Stat. Ann. §§ 33-42-101-117.

Emergency rules, allowing the immediate deposit of $50.00 into the Account, were filed with the Secretary of State’s Office on April 9, 2014. Under Wyo. Stat. Ann. § 16-3-103(b), emergency rules are valid for not more than 120 days after the date of filing.

Upon review of the takings check list, provided by the Attorney General’s Office, the proposed rules will not result in a taking of private property or violation of due process.
SUMMARY OF COMMENTS:
Regular Rules in Chapter 1, “Fees”, of the State Engineer’s Office’s Rules

No comments were received during the public notice period (May 30, 2014 through July 18, 2014).
Section 1. Authority.

(a) Authority for setting fees is covered under the following sections of the Wyoming Statutes, 1977: 9-1-904, 9-1-907(b), 41-3-106(g), 41-3-107(b), 41-3-110(d), 41-3-213, 41-3-214, 41-3-914(d), 41-4-203, 41-4-205, 41-4-325, 41-4-511, and 41-4-514(a) (v & vi) & (e).

Section 2. General.

(a) Unless otherwise stated, the following non-reimbursable fees are payable when the item upon which the fee is applicable or assessed is submitted to the Wyoming State Engineer’s Office or the Wyoming State Board of Control.

(b) Method of payment shall be check, post office or express money order, bank draft, or currency. Fees may also be deducted from the Wyoming State Engineer’s Office, previously established customer cash accounts.

Section 3. Surface Water Fees.

(a) All non-reimbursable fees must be paid in advance. When the required fee is not known, time may be saved by contacting the Wyoming State Engineer’s Office either by mail or by telephone. Make all remittances payable to the “Wyoming State Engineer’s Office”. Remittances should be transmitted with the application or petition and cover letter.

(b) Fee Schedule. The following fees are required for each instrument filed in the Wyoming State Engineer’s Office.

(i) Direct flow water right applications – (Using S.W. 1 or S.W.2 Forms)

(A) Stock and/or domestic purposes only .......................... $25.00

(B) All other purposes, including reservoir supply and supplemental supply ........................................ $50.00

(ii) Reservoir storage water right applications (Using S.W. 3, S.W. 3A, S.W.4 Forms)

(A) Stock reservoirs (Using S.W. 4 Form) and all other reservoirs of 20 acre-feet or less in capacity .................................................. $25.00

(B) For reservoirs greater than 20 acre-feet but less than 100 acre-feet in capacity ................................. $50.00
(C) For all other reservoirs ............................................. $125.00

(D) Secondary supply water right applications for reservoir storage water (Using SW-1 & SW-2 Forms) ............ $50.00

(iii) Temporary water right applications ..................................... $50.00

(iv) Temporary water use agreements to use water under an existing valid permit (W.S. 41-3-110) ................................................................. $50.00

(v) Formal petitions to modify or change a permit or application (plus appropriate recording fees, see Section 3(b)(ix)) ......................... $20.00

(vi) Processing water exchange permits or petitions (plus appropriate recording fees; both Wyoming State Engineer’s Office and County Clerk, see Section 3(b)(ix) and certification charges, see Section 6(e) .......................................................... $25.00

(vii) Safety of Dams PLAN Reviews

(A) For dams more than twenty (20) feet but less than forty (40) feet in height or with a capacity of fifty (50) acre-feet or more but less than one hundred (100) acre-feet ............................................................. $100.00

(B) For dams forty (40) feet in height or more or with a capacity of one hundred (100) acre-feet or more ............... $150.00

(viii) Application for Weather Modification Activity ....................... $50.00

(ix) For recording any instrument in the official records of the Wyoming State Engineer’s Office, Wyoming State Board of Control or with the County Clerk.

(A) First sheet, and: ...............................................................$8.00
Each subsequent sheet ......................................................... $3.00

(B) A fee will be required for recording with County Clerks any water right instrument or certificate as required by and specified in W.S. 18-3-402.

Section 4. Ground Water Fees.

(a) All non-reimbursable fees must be paid in advance. All remittances are to be made payable to the “Wyoming State Engineer’s Office” except those remittances that are submitted in conjunction with adjudication costs, which are to be made payable to the “Wyoming State Board of Control”. Remittances should be transmitted with the application or petition and cover letter.
(b) Fee Schedule. The following fees are required for each instrument filed in the Wyoming State Engineer’s Office:

(i) Water right application to Appropriate Ground Water

(A) Domestic and/or Stock Watering Use Wells ........... $50.00

(B) Irrigation, Municipal, Industrial, Miscellaneous Wells ...........

................................................................. $75.00

(C) Coalbed Methane Wells ........................... $50.00

(D) Monitor and Test Wells ......................... No Fee

(ii) Formal petition to modify or change a permit or application (plus appropriate recording fees, see Section 3(b)(ix)) ........... $20.00

(iii) For recording any instrument in the official records of the State Engineer, State Board of Control or with the County Clerk, see Section 3(b)(ix).

(iv) Temporary water use agreements to use ground water under an existing valid permit, see Section 3(b)(iv).

(c) An amount not to exceed fifty ($50.00) of the fees collected for each application for a permit under W.S. 9-1-904 (a) (v) (A) and (D) shall be deposited into the account created under W.S. 33-42-116 for wells which require the use of a licensed well driller pursuant to W.S. 33-42-103.

Section 5. Board of Control Fees.

(a) In some instances, fees are required to accompany a petition to the Wyoming State Board of Control. All remittances shall be made payable to the “Wyoming State Board of Control”. When required, a payment of fees should be attached to the petition itself or to the cover letter.

(b) The following fee is required in conjunction with the adjudication of a surface water right by the Wyoming State Board of Control.

(i) Proof of appropriation excluding advertising ............ $20.00

(ii) Fees collected for the adjudication of surface water rights are used for the recording of the certificate of appropriation and attached pages with the County Clerk in accordance with W.S. 18-3-402. Advertising shall be paid by the County in accordance with W.S. 41-4-307.
(c) The following fee is required in conjunction with the adjudication of a ground water right by the Wyoming State Board of Control,

(i) Proof of appropriation excluding advertising ................... $30.00

(ii) Fees collected for the adjudication of ground water rights are used for the recording of the certificate of appropriation and attached pages with the county clerk in accordance with W.S. 18-3-402. Advertising shall be paid by the County in accordance with W.S. 41-4-307.

(d) The fees for each certificate to be amended

1) by petition for an amended certificate,

2) by petition for change in place of use, or

3) by petition for change of use.

(i) Total cost per certificate to be amended ......................... $50.00

(e) The fees for each appropriation (certificate) to be abandoned through a petition for declaration of abandonment.

(i) Total cost per certificate to be abandoned ...................... $50.00

(f) No fees are required for petitions for change of point of diversion, point of diversion and means of conveyance, change in location of wells, and voluntary abandonment.

(g) For recording any instrument in the official records of the Wyoming State Engineer's Office, Wyoming State Board of Control, or the County Clerk, see Section 3(b)(ix).

(h) A recoradation fee of ten dollars ($10.00) per page is required to accompany the filing of an ADWR, as provided by W.S. 9-1-904 (a)(i).

Section 6. Miscellaneous Fees.

(a) For making prints of maps on file. Sizes as specified in W.S. 33-29-139.

(i) "B", "D", or township plat size map ......................... $1.00

(ii) "E" & "G" size map ........................................... $1.50

(iii) "F" & larger size map ......................................... $0.75/linear foot

(iv) Minimum Charge (any map) .......................... $1.00

(v) Mylar map copies .............................................. Commercial rates
(b) For making photocopies of records, files, correspondence, data base paper copies, etc.
   (i) Each copy ....................................................... $ .25

(c) For making microfilm copies of records:
   (i) Each paper copy .............................................. $ .50
   (ii) Each microfiche .............................................. $ .50

(d) For water right searches:
   (i) Each search (plus appropriate copy fees) .................. $25.00
   (ii) Computer data base searches
        (A) Set up for each search (plus media, photocopy and data fees) ................................ $25.00

(e) Certified copies
   (i) Certificate cover (plus appropriate copy fees) ............. $3.00

(f) FAX copies per page .............................................. $ 1.00
FEES
WYOMING STATE ENGINEER'S OFFICE
WYOMING STATE BOARD OF CONTROL

CHAPTER 1

Section 1. Authority.

(a) Authority for setting fees is covered under the following sections of the Wyoming Statutes, 1977: 9-1-904, 9-1-907(b), 41-3-106(g), 41-3-107(b), 41-3-110(d), 41-3-213, 41-3-214, 41-3-914(d), 41-4-203, 41-4-205, 41-4-325, 41-4-511, and 41-4-514(a) (v & vi) & (e).

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(D) Secondary supply water right applications for reservoir storage water (Using SW-1 & SW-2 Forms) ........................................... $50.00

(iii) Temporary water right applications ........................................ $50.00

(iv) Temporary water use agreements to use water under an existing valid permit (W.S. 41-3-110) ......................................................... $50.00

(v) Formal petitions to modify or change a permit or application (plus appropriate recording fees, see Section 3(b)(ix)) ............................... $20.00

(vi) Processing water exchange permits or petitions (plus appropriate recording fees; both Wyoming State Engineer’s Office and County Clerk, see Section 3(b)(ix) and certification charges, see Section 6(e) ........................................ $25.00

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(B) Irrigation, Municipal, Industrial, Miscellaneous Wells .......... $75.00

(C) Coalbed Methane Wells ......................................... $50.00

(D) Monitor and Test Wells ........................................ No Fee

(ii) Formal petition to modify or change a permit or application (plus appropriate recording fees, see Section 3(b)(ix)) .................................................. $20.00

(iii) For recording any instrument in the official records of the State Engineer, State Board of Control or with the County Clerk, see Section 3(b)(ix).

(iv) Temporary water use agreements to use ground water under an existing valid permit, see Section 3(b)(iv).

(c) An amount not to exceed twenty-five dollars ($25.00) fifty dollars ($50.00) of the fees collected for each application for a permit under W.S. 9-1-904 (a) (v) (A) and (D) shall be deposited into the account created under W.S. 33-42-116 for wells which require the use of a licensed well driller pursuant to W.S. 33-42-103.

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   (ii) “E” & “G” size map ........................................................................ $1.50

   (iii) “F” & larger size map ...................................................................... $.75/linear foot

   (iv) Minimum Charge (any map) ............................................................ $1.00

   (v) Mylar map copies ............................................................................ Commercial rates

(b) For making photocopies of records, files, correspondence, data base paper copies, etc.

   (i) Each copy ...................................................................................... $.25

(c) For making microfilm copies of records:

   (i) Each paper copy ............................................................................. $.50

   (ii) Each microfiche ............................................................................... $.50

(d) For water right searches:

   (i) Each search (plus appropriate copy fees) ...................................... $25.00

   (ii) Computer data base searches

       (A) Set up for each search (plus media, photocopy and data fees) .... $25.00


4
(c) Certified copies

   (i) Certificate cover (plus appropriate copy fees) ....................... $3.00

(f) FAX copies per page ................................................................. $1.00