

ORIGINAL SENATE
FILE NO. SF0004

ENROLLED ACT NO. 11, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to appropriations of water; relocating filing requirements for specified water appropriations within the Wyoming statutes; specifying requirements for applications to appropriate water; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 33-29-801(e) and 41-4-507 are amended to read:

33-29-801. Maps, plats, plans and designs for filing or recording to be certified by professional engineer or professional land surveyor; exception; size of maps.

(e) The state engineer may adopt rules and regulations which provide exceptions to paragraph (a)(i) of this section for projects which, because of their size, nature or location, an exception would not impede upon public safety or the integrity of a water right. ~~The exceptions provided pursuant to this subsection shall be in addition to the exception provided in subsection (b) of this section.~~

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

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

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investigations, must be accompanied by a map or plat ~~drawn~~ made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor. The map or plat shall be on a scale to conform to the regulations of the state engineer, showing the approximate location of all streams, proposed reservoirs, main canals and the other data required under the terms of W.S. 41-3-301, together with the approximate location and area of the lands to be irrigated and approximate capacity of each of the reservoirs to be constructed. It shall be the duty of the state engineer to approve any such application made in conformity herewith which contemplates the application of the water of a drainage basin to the beneficial use of a major irrigable portion thereof where the proposed use does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare; provided, however, that any permit for appropriation of waters for beneficial uses upon the irrigable lands designated in such a drainage basin project application, must be conditioned for the submission to the state engineer of detailed maps, plans and specifications applicable to a single subdivision of the project and the approval thereof by the state engineer, prior to the commencement of the construction of any such subdivisions; provided further that such subdivision maps, plans and specifications shall conform to the requirements hereinafter set forth as applicable to other applications not embracing the major irrigable portion of an entire drainage basin.

(b) Except for applications made pursuant to subsection (a) or (c) of this section, every other application for a permit to appropriate water for beneficial uses must be accompanied by a map or plat,

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showing accurately the location and extent of the proposed work. The maps or plats must be ~~drawn,~~ on a scale to conform to the regulations of the state engineer and be made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor; they must show the location of the headgate or point of diversion by courses and distances from some government corner; they must show the actual location of the ditch or canal, or water line of the reservoir, and must show, wherever section lines are crossed, the distance to the nearest government corner. The map or plat must show the course of the river, stream or other source of supply; the location and area of all lands proposed to be reclaimed; the position and area of all reservoirs or basins intended to be created for the purpose of storing water; the location of the intersection with all other ditches, canals, laterals or reservoirs which are caused by this work, or with which connections are made. These maps must contain the name of the proposed work, and, where possible, the number of the permit. They must in addition, have the name or names of the applicant or applicants and the certificate of the engineer or surveyor, giving the date of survey, his name and address.

(c) Notwithstanding subsections (a) and (b) of this section, an application and accompanying maps, plans, plats and designs filed in the state engineer's office shall comply with the requirements of W.S. 33-29-801(a)(ii) through (iv) and subsections (d) and (e) of this section when the application is to:

(i) Construct small reservoirs for stock or other beneficial uses where the capacity of the reservoir

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does not exceed twenty (20) acre feet or twenty (20) feet in dam height;

(ii) Develop springs for any beneficial use up to twenty-five (25) gallons per minute; or

(iii) Construct flood water detention dams storing fifty (50) acre feet or less and not to exceed twenty (20) feet in height provided the dam has a minimum outlet of eighteen (18) inches diameter and the dead storage does not exceed twenty (20) acre feet.

(d) An application made pursuant to subsection (c) of this section shall be signed by the applicant or an agent acting for him and shall be accompanied, at a minimum, by aerial photographs, digital imagery or United States geological survey quadrangle maps, of a scale provided by Wyoming board of professional engineers and professional land surveyors rule, with designation of the township, range, section and section corner or quarter corner and the location of the installation designated in the quarter section on the photographs or United States geological survey quadrangle maps and a description of:

(i) The dam including height, width, depth, construction materials, depth to be submerged and height of the free board; and

(ii) The reservoir including length, width, average depth, submerged area and capacity.

(e) Aerial photographs, digital imagery or United States geological survey quadrangle maps accompanying an application made pursuant to subsection (c) of this section shall comply with the following requirements:

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(i) Two (2) aerial photographs, digital images or United States geological survey quadrangle maps shall accompany each application;

(ii) The scale on the aerial photographs, digital imagery or United States geological survey quadrangle maps shall not be less than two (2) inches to the mile;

(iii) An identified section corner or quarter corner shall be shown on each aerial photograph, digital image or United States geological survey quadrangle map;

(iv) The entire section in which the facility is located shall be shown on each aerial photograph, digital image or United States geological survey quadrangle map along with subdivision lines showing forty (40) acre tracts; and

(v) The location of the facility shall be shown within the proper forty (40) acre subdivision.

(f) The state engineer may adopt rules and regulations which provide exceptions to the filing requirements of subsections (a) and (b) of this section for projects for which, because of the size, nature or location, an exception would not impede upon public safety or the integrity of a water right. The exceptions provided pursuant to this subsection shall be in addition to the exceptions provided in subsection (c) of this section.

Section 2. W.S. 33-29-801(b) through (d) is repealed.

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Section 3. This act is effective July 1, 2017.

(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