

SENATE FILE NO. SF0073

Permits for small underground water wells.

Sponsored by: Senator(s) Meier, Anselmi-Dalton, Bebout,
Driskill and Moniz and Representative(s)
Hunt and Northrup

A BILL

for

1 AN ACT relating to water; providing that applications for
2 wells that produce twenty-five (25) gallons per minute or
3 less shall not require a detailed description of proposed
4 use; providing that those wells shall not require metering
5 as specified; and providing for an effective date.

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

8

9 **Section 1.** W.S. 41-3-930(a), 41-3-933 and 41-3-935 by
10 creating a new subsection (e) are amended to read:

11

12 **41-3-930. Application; who required to file; filing;**
13 **contents; use of water from existing well; statement of**
14 **claim.**

15

1 (a) Any person who intends to acquire the right to
2 beneficial use of any underground water in the state of
3 Wyoming, shall, before commencing construction of any well
4 or other means of obtaining underground water or performing
5 any work in connection with construction or proposed
6 appropriation of underground water or any manner utilizing
7 the water for beneficial purposes, file with the state
8 engineer an application for a permit to make the
9 appropriation and shall not proceed with any construction
10 or work until a permit is granted by the state engineer,
11 provided, that whenever a bore hole constructed for mineral
12 exploration, oil and gas exploration, stratigraphic
13 information or any other purpose not related to groundwater
14 development shall be found to be suitable for the
15 withdrawal of underground water, application shall be filed
16 with and approved by the state engineer before water from
17 the bore hole is beneficially utilized. The state engineer
18 may authorize the construction and use of multiple wells
19 for industrial purposes for in situ mining, dewatering or
20 use for pollution control or remediation with a single
21 permit if the groundwater to be developed by the proposed
22 appropriation is to be used for a specific purpose within
23 the department of environmental quality permitted boundary

1 and served from a single source of supply. The application
2 shall contain the name and post-office address of applicant
3 or applicants, a detailed description of the proposed use
4 of any well that is constructed to produce more than
5 twenty-five (25) gallons per minute, the location by legal
6 subdivision of the proposed well or other means of
7 obtaining underground water, the estimated depth of the
8 proposed well, the quantity of water proposed to be
9 withdrawn and beneficially utilized in gallons per minute
10 and acre-feet per calendar year, the location by legal
11 subdivision of the area or point of use shall be provided,
12 and such other information as the state engineer may
13 require. Nothing in this section shall be deemed to limit
14 the use of water from a well that produces twenty-five (25)
15 gallons per minute or less for domestic, stock or
16 miscellaneous use as provided in W.S. 41-3-933(b) and
17 41-3-935(e) regardless of when the application was
18 accepted.

19

20 **41-3-933. Express conditions limiting rights of**
21 **appropriator; additional conditions.**

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1 (a) It is an express condition of each underground
2 water permit that the right of the appropriator does not
3 include the right to have the water level or artesian
4 pressure at the appropriator's point of diversion
5 maintained at any level or pressure higher than that
6 required for maximum beneficial use of the water in the
7 source of supply. Except as provided in subsection (b) of
8 this section, the state engineer may issue any permits
9 subject to such conditions as he may find to be in the
10 public interest.

11
12 (b) If a well produces twenty-five (25) gallons per
13 minute or less and is used for domestic, stock or
14 miscellaneous use, or use for shelterbelts, the state
15 engineer shall not require the well to be metered as a
16 condition of the permit. Any permit issued prior to the
17 effective date of this subsection shall be deemed not to
18 require metering if the well meets the requirements of this
19 subsection. This subsection shall not prohibit the state
20 engineer from metering to determine if the well produces
21 more than twenty-five (25) gallons per minute. Nothing in
22 this subsection shall be deemed to apply if the application

1 of this subsection would violate any compact entered into
2 prior to the effective date of this subsection.

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4 **41-3-935. Adjudication procedure.**

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6 (e) If a well produces twenty-five (25) gallons per
7 minute or less and is adjudicated for domestic, stock or
8 miscellaneous use, or use for shelterbelts, use of the well
9 for any of those purposes shall not require any additional
10 adjudication under this section, regardless of when the
11 well was adjudicated.

12

13 **Section 2.** This act is effective July 1, 2018.

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(END)