

SENATE FILE NO. SF0004

Water projects-map and plat filing requirements.

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

A BILL

for

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

6

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

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

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12 **33-29-801. Maps, plats, plans and designs for filing**
13 **or recording to be certified by professional engineer or**
14 **professional land surveyor; exception; size of maps.**

15

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

9
10 **41-4-507. Maps and plats; when required with**
11 **application; contents; format requirements; copies; duties**
12 **of state engineer generally.**

13
14 (a) Each application for a permit to appropriate
15 waters for beneficial uses under a project embracing the
16 major irrigable portion of an entire drainage basin within
17 the limits of this state which has been approved by either
18 state or federal agencies for development and construction
19 in subdivisions as the result of preliminary
20 investigations, must be accompanied by a map or plat drawn
21 made by or under the responsible charge of a professional
22 engineer or professional land surveyor and be signed by and
23 bear the seal of the professional engineer or professional

1 land surveyor. The map or plat shall be on a scale to
2 conform to the regulations of the state engineer, showing
3 the approximate location of all streams, proposed
4 reservoirs, main canals and the other data required under
5 the terms of W.S. 41-3-301, together with the approximate
6 location and area of the lands to be irrigated and
7 approximate capacity of each of the reservoirs to be
8 constructed. It shall be the duty of the state engineer to
9 approve any such application made in conformity herewith
10 which contemplates the application of the water of a
11 drainage basin to the beneficial use of a major irrigable
12 portion thereof where the proposed use does not tend to
13 impair the value of existing rights, or to be otherwise
14 detrimental to the public welfare; provided, however, that
15 any permit for appropriation of waters for beneficial uses
16 upon the irrigable lands designated in such a drainage
17 basin project application, must be conditioned for the
18 submission to the state engineer of detailed maps, plans
19 and specifications applicable to a single subdivision of
20 the project and the approval thereof by the state engineer,
21 prior to the commencement of the construction of any such
22 subdivisions; provided further that such subdivision maps,
23 plans and specifications shall conform to the requirements

1 hereinafter set forth as applicable to other applications
2 not embracing the major irrigable portion of an entire
3 drainage basin.

4
5 (b) Except for applications made pursuant to
6 subsection (a) or (c) of this section, every other
7 application for a permit to appropriate water for
8 beneficial uses must be accompanied by a map or plat,
9 showing accurately the location and extent of the proposed
10 work. The maps or plats must be ~~drawn,~~ on a scale to
11 conform to the regulations of the state engineer and be
12 made by or under the responsible charge of a professional
13 engineer or professional land surveyor and be signed by and
14 bear the seal of the professional engineer or professional
15 land surveyor; they must show the location of the headgate
16 or point of diversion by courses and distances from some
17 government corner; they must show the actual location of
18 the ditch or canal, or water line of the reservoir, and
19 must show, wherever section lines are crossed, the distance
20 to the nearest government corner. The map or plat must
21 show the course of the river, stream or other source of
22 supply; the location and area of all lands proposed to be
23 reclaimed; the position and area of all reservoirs or

1 basins intended to be created for the purpose of storing
2 water; the location of the intersection with all other
3 ditches, canals, laterals or reservoirs which are caused by
4 this work, or with which connections are made. These maps
5 must contain the name of the proposed work, and, where
6 possible, the number of the permit. They must in addition,
7 have the name or names of the applicant or applicants and
8 the certificate of the engineer or surveyor, giving the
9 date of survey, his name and address.

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

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18 (i) Construct small reservoirs for stock or
19 other beneficial uses where the capacity of the reservoir
20 does not exceed twenty (20) acre feet or twenty (20) feet
21 in height;

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1 (ii) Develop springs for stock water purposes of
2 up to twenty-five (25) gallons per minute; or

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

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

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

4
5 (ii) The reservoir including length, width,
6 average depth, submerged area and capacity.

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8 (e) Aerial photographs or United States geological
9 survey maps accompanying an application made pursuant to
10 subsection (c) of this section shall comply with the
11 following requirements:

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13 (i) Two (2) aerial photographs or United States
14 geological survey quadrangle maps shall accompany each
15 application;

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

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21 (iii) An identified section corner or quarter
22 corner shall be shown on each aerial photograph or United
23 States geological survey quadrangle map;

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(iv) The entire section in which the facility is located shall be shown on each aerial photograph 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 exception provided in subsection (c) of this section.

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

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

(END)