

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

State engineer permit application.

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

A BILL

for

1 AN ACT relating to the state engineer; allowing electronic
2 permitting; granting rulemaking authority; ratifying
3 existing rules; 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. 41-4-501 is amended to read:

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9 **41-4-501. Permit required prior to construction of**
10 **ditches, canals or other distributing works; contents of**
11 **application; unlawful diversion or use of water prohibited;**
12 **rulemaking authority.**

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1 Any person, association or corporation hereafter intending
2 to acquire the right to the beneficial use of the public
3 water of the state of Wyoming shall, before commencing the
4 construction, enlargement or extension of any ditch, canal
5 or other distributing works, or performing any work in
6 connection with said construction, or proposed
7 appropriation, make an application to the state engineer
8 for a permit to make such appropriation. Such application
9 must set forth the name and post-office address of the
10 applicant, the source of the water supply, the nature of
11 the proposed use, the location and description of the
12 proposed ditch, canal or other work, the time within which
13 it is proposed to begin construction, the time required for
14 completion of construction and the time required for the
15 complete application of the water to the proposed use. Any
16 person who shall willfully divert or use water to the
17 detriment of others without compliance with law shall be
18 deemed guilty of a misdemeanor punishable pursuant to W.S.
19 41-3-616. The state engineer may allow the application to
20 be submitted electronically as provided by the Uniform
21 Electronic Transaction Act, W.S. 40-21-101 through
22 40-21-119. The state engineer may adopt reasonable rules
23 and regulations in accordance with the Wyoming

1 Administrative Procedure Act as necessary to implement this
2 section. Rules and regulations to implement this section
3 adopted prior to July 1, 2009 and filed with the secretary
4 of state as of that date are hereby ratified.

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6 **Section 2.** This act is effective July 1, 2009.

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(END)