

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:

11

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.

10  
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:

17  
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 dam height;

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

3  
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, digital imagery or United States  
14 geological survey quadrangle maps, of a scale provided by  
15 Wyoming board of professional engineers and professional  
16 land surveyors rule, with designation of the township,  
17 range, section and section corner or quarter corner and the  
18 location of the installation designated in the quarter  
19 section on the photographs or United States geological  
20 survey quadrangle maps and a description of:

21

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

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

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

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

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

10  
11           (v) The location of the facility shall be shown  
12 within the proper forty (40) acre subdivision.

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

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



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

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(END)