

SENATE FILE NO. SF0032

Water permit notice requirements.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to water; modifying notice requirements
2 related to water permits; and providing for an effective
3 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. 41-4-502 and 41-4-506 are amended to
8 read:

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10 **41-4-502. Application for permit to acquire right to**
11 **beneficial use of public water; duty of state engineer upon**
12 **receipt; use for irrigation purposes; defective**
13 **applications; corrections; cancellation; extensions.**

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15 On receipt of an application for a permit to acquire the
16 right to the beneficial use of the public water of the

1 state of Wyoming, which application shall be on a form
2 prescribed or designated by the state engineer, it is the
3 state engineer's duty to date the application and to make a
4 record of receipt of the application in his office. It is
5 the state engineer's duty to examine all applications to
6 ascertain that they contain all the necessary information
7 to show the location, nature and amount of the proposed
8 beneficial use. If the proposed beneficial use is for
9 irrigation purposes, the application shall give the total
10 acreage to be irrigated and the acreage in each legal
11 subdivision of land proposed to be irrigated. If, upon
12 such examination, an application submitted in hard copy is
13 found defective, it is the duty of the state engineer to
14 return the application for correction, with reasons
15 therefor, and the time allowed within which to make such
16 corrections, which shall not be less than ninety (90) days,
17 shall be endorsed on the application, or by correspondence
18 accompanying the return of the application, and a record
19 made thereof. A like record shall be kept of the date of
20 the return of corrected applications, and of the date of
21 the refusal and return of applications rejected. If the
22 application is submitted in hard copy, the defective
23 application shall be returned by ~~certified mail, requesting~~

1 ~~return receipt~~ United States postal service or by other
2 generally accepted mail delivery method to the post-office
3 address given by the applicant. If the application is
4 submitted electronically, the defective application shall
5 be returned electronically. If, at the expiration of the
6 time allowed within which to make such corrections, the
7 application has not been returned to the office of the
8 state engineer with the corrections properly made, it is
9 the duty of the state engineer to cancel the filing covered
10 by the application. The state engineer, if in his opinion
11 an extension is justified, or, upon request by the
12 applicant for good cause shown, shall grant extensions of
13 time for making corrections. However, extensions will not
14 be granted if the request for the extension is received
15 after the expiration of the time period the applicant seeks
16 to extend.

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18 **41-4-506. Time limits for completing construction**
19 **work; extensions; forfeiture of rights; cancellation of**
20 **permit; notice of date of expiration to appropriator.**

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22 Whenever the state engineer places his endorsement of
23 approval on any application for a water permit, he shall

1 require that actual construction work be completed within
2 the time set by him in the permit. The time set for
3 completion shall not exceed a period of five (5) years
4 after the date of approval of application. In the case of
5 an application for a ditch permit, he shall further require
6 that the application of the water to beneficial use must be
7 completed before the date which he shall specify, and which
8 shall not be earlier than the date specified for the
9 completion of construction; and that final proof of
10 appropriation must be submitted within five (5) years after
11 the date specified for the completion of the application of
12 the water to beneficial use. He may limit the application
13 to a less period of time for the completion of construction
14 and application of water to beneficial use than is asked
15 for in the application. For good cause shown, the state
16 engineer may at any time, or from time to time, before the
17 date of expiration, extend any or all of these periods. An
18 extension of time for compliance with any of the specified
19 requirements shall be construed to automatically extend for
20 a like period the time for compliance with any of the
21 specific requirements in relation to which the time expires
22 thereafter. Default by the holder of the permit in any of
23 the specified requirements shall work a forfeiture of the

1 water right involved. The state engineer may upon such
2 default cancel the permit. The state engineer shall, ~~by~~
3 ~~registered mail, with a return receipt requested~~ at least
4 three (3) months before default in any of these
5 requirements shall be operative, notify the permit holder,
6 ~~at the post office address given by him~~ when the time
7 allowed will expire. Notification may be delivered by
8 United States postal service, by other generally accepted
9 mail delivery method to the post-office address given by
10 the permit holder or by email or other electronic means
11 that provides actual notice to the permit holder. If ~~the~~
12 ~~permit holder cannot be reached by registered mail, or if~~
13 the address or email address of the permit holder is
14 unknown, the state engineer shall publish notice of the
15 default ~~for three (3) weeks in a newspaper of general~~
16 ~~circulation published in the county, or in case there is no~~
17 ~~newspaper of general circulation published in the county,~~
18 ~~then in a newspaper published in the state of Wyoming and~~
19 ~~in general circulation in the county, the last publication~~
20 ~~to be~~ on the state engineer's official website for at least
21 two (2) months before cancellation of the permit.

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1 **Section 2.** This act is effective July 1, 2021.

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(END)