

*Regulations
and
Instructions
Part IV
State Board of Control
Chapter IV*

Section 2. Ground Water Proofs.

a. Rights to the use of ground water shall be adjudicated by the State Board of Control as provided in W.S. 41-4-511 (see also W.S. 41-4-513).

b. To adjudicate a ground water right, various steps must be taken by the water user, by the State Engineer's Office, and by the State Board of Control. The following is a brief outline of the basic procedure:

(1) **Permit**-- A permit (Form U.W. 5) must be approved by the State Engineer before commencing the construction of any well (including test holes). Unless otherwise extended, the permittee has one year from the date the permit is approved by the State Engineer in which to commence the construction of the well.

(2) **Statement of Completion** -- This form (Form U.W. 6) is required to be submitted **within 30 days after the well has been completed with a permanent pump**. If the well is a flowing well, the Statement of Completion must be submitted within 30 days of completion of the well with valve or other acceptable control device.

(3) **Proof of Appropriation and Beneficial Use of Ground Water** -- This form (Form U.W. 8) consists of three separate parts.

Part I -- This portion is required to be submitted to the State Engineer by **December 31 of the year following the year in which the application was approved by the State Engineer**, or prior to such time stated in a letter of extension. Part I contains information detailing the date and type of beneficial use.

Part II -- This part of the Beneficial Use Notice is to be submitted with Part I. Part II is an **acceptable plat of the completed facility, or a topographic map in acceptable form**. The plat or topographic map must be prepared in accordance with the map instructions of the State Engineer's Office, Ground Water Division. Acceptable proof of ownership must accompany all plats submitted [Per Wyoming State Engineer's Office, Regulations and

Instructions, Part II Ground Water, Section 11, item b, **a period of 6 months will be allowed to submit the map**].

Part III -- After all required notices and the certified plat have been submitted to the State Engineer's Office, a representative of the State Engineer or the water division superintendent will conduct an on-the-ground inspection of the facility to determine if the terms of the permit have been met. The person conducting the inspection will submit a written inspection report to the Board for its consideration. For the holder of a water right under a Statement of Claim or Well Registration to obtain an adjudicated ground water right, only Part II and Part III must be completed.

(c) The proof, advertising, and recording fees are collected for each ground water permit when the executed proof form is returned by the applicant.

(d) The proofs taken must be advertised in a newspaper of general circulation in the nearby area at least 30 days before any regular meeting of the Board. The advertisement shall contain the date, time and place where proofs will be available for inspection and the description of the appropriation, as required by law. The advertised day or days during which the proofs are being held open for inspection must occur at least 15 days in advance of a regular Board meeting (see W.S. 41-4-511). As a matter of administrative practice, the advertisement will not begin any earlier than 45 days prior to the Board meeting.

(e) After proper advertisement of the water right, and if no protest is received, the proof is submitted to the State Board of Control for final consideration. If the proof is adjudicated, a certificate of appropriation is issued and recorded in the county in which the place of use is located and forwarded to the ground water right owner.

Title 41
Chapter III
Article 9
Underground Water

41-3-935. Adjudication procedure.

(a) Any person constructing any well under a permit shall, within thirty (30) days after the completion or abandonment of such work, report to the State Engineer the date required relating to such well, on forms furnished by the State Engineer (*Statement of Completion and Description of Well or Spring*—Form U.W. 6). A well shall be considered complete when it is possible to install a pump and pump water. In the case of an artesian well, completion is the time when the drill rig is moved off of the drilling site.

(b) Adjudication of all ground water rights except stock watering and domestic uses of ground water referenced in W.S. 41-3-907 shall proceed upon completion of the work according to the terms of the permit and the recording on forms furnished by the State Engineer of such information as is deemed necessary concerning the works (*Proof of Appropriation and Beneficial Use of Ground Water*—Form U.W. 8), and the filing of a map (*Map to Accompany Proof of Appropriation and Beneficial Use of Ground Water*) signed by a Wyoming licensed profession engineer or land surveyor, showing the location of the well (as of April 1st, 2006—GPS Coordinates) and the point or points of use. The State Engineer or his authorized representative shall inspect the works, the lands irrigated or other uses being made of the water upon receipt (and approval) of the map. The adjudication of stocking watering and domestic uses of ground water references in W.S. 41-3-907 may be initiated by the State Engineer or the appropriator of records and will not require the filing of a map signed by a Wyoming licensed professional engineer or land surveyor, showing the locations of the well and the points and areas of use or require the inspection by the State Engineer or his authorized representative of the works, the lands irrigated, or other uses being made of the water unless, in the discretion of the State Engineer, such procedures are deemed necessary and appropriate. At this time the Board may consider for adjudication the ground water right upon proof of beneficial use being submitted by the appropriator.

(c) Adjudication shall proceed in the same manner prescribed the adjudication of surface water appropriation on the State Engineer or his authorized representative had reported his finding to the Board. A ground water appropriation attaches to the land for irrigation, or for such other purposes or object for which it was acquired.

(d) In the interest of an orderly adjudication procedure for ground water, the State Engineer, with the concurrence of the Board, may order adjudication of any ground water appropriation in the State. Upon one (1) year notice, any appropriator whose appropriation is to be adjudicated shall furnish the State Engineer all of the documents mention in subsection (b) of this section. If any appropriator refuses to supply any of this information, the superintendent may tag and lock the well. An appropriator that interferes with the tag or lock is subject to the same penalty as provided in W.S. 41-3-

938. Use of a water well so tagged or locked is prima facie evidence of such interference.

41-3-936. Priority of Appropriation.

The proof of appropriation of underground water obtained prior to April 1, 1947, shall date from time of completion of the well. The priority of appropriation of underground water obtained subsequent to April 1, 1947, and prior to March 1, 1958, shall date from the filing of registration in the State Engineer's office. The priority of appropriation of underground water obtained on or subsequent to March 1, 1958, shall date from the filing of the application for permit in the State Engineer's office. Priority of Appropriation of underground water for stock or domestic purposes, as defined in W.S. 41-3-907, shall date from the time of completion of the well if properly registered with the State Engineer prior to December 31, 1972. If registered with the State Engineer subsequent to December 31, 1972, the priority shall date from the filing or registration in the State Engineer's office.