

## Wyoming Administrative Rules

# Engineer, State

## General Agency, Board or Commission Rules

### Chapter 1: Fees

**Effective Date:** 09/16/2020 to Current

**Rule Type:** Current Rules & Regulations

**Reference Number:** 037.0003.1.09162020

**CHAPTER 1**

**FEES**

**Section 1. Authority.**

(a) Authority for setting fees is covered under the following sections of the Wyoming Statutes, 1977: 9-1-904, 9-1-907(b), 41-3-106(g), 41-3-107(b), 41-3-110(d), 41-3-213, 41-3-214, 41-3-914(d), 41-4-203, 41-4-205, 41-4-325, 41-4-511, and 41-4-514(a) (v & vi) & (e).

(b) The Wyoming State Engineer’s Office and the Wyoming State Board of Control are required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information’s uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records.

**Section 2. General.**

(a) Unless otherwise stated, the following non-reimbursable fees are payable when the item upon which the fee is applicable or assessed is submitted to the Wyoming State Engineer’s Office or the Wyoming State Board of Control.

(b) Method of payment shall be check, post office or express money order, bank draft, or currency. Fees may also be deducted from the Wyoming State Engineer’s Office, previously established customer cash accounts.

**Section 3. Surface Water Fees.**

(a) All non-reimbursable fees must be paid in advance. When the required fee is not known, time may be saved by contacting the Wyoming State Engineer’s Office either by mail or by telephone. Make all remittances payable to the “Wyoming State Engineer’s Office”. Remittances should be transmitted with the application or petition and cover letter.

(b) Fee Schedule. The following fees are required for each instrument filed in the Wyoming State Engineer’s Office.

- (i) Direct flow water right applications – (Using S.W. 1 or S.W.2 Forms)
  - (A) Stock and/or domestic purposes only .....\$25.00
  - (B) All other purposes, including reservoir supply and supplemental supply.....\$50.00
- (ii) Reservoir storage water right applications (Using S.W. 3, S.W. 3A, S.W.4 Forms)

- (A) Stock reservoirs (Using S.W. 4 Form) and all other reservoirs of 20 acre-feet or less in capacity.....\$25.00
- (B) For reservoirs greater than 20 acre-feet but less than 100 acre-feet in capacity.....\$50.00
- (C) For all other reservoirs .....\$125.00
- (D) Secondary supply water right applications for reservoir storage water (Using SW-1 & SW-2 Forms) .....\$50.00
- (iii) Temporary water right applications .....\$50.00
- (iv) Temporary water use agreements to use water under an existing valid permit (W.S. 41-3-110) .....\$50.00
- (v) Formal petitions to modify or change a permit or application (plus appropriate recording fees, see Section 3(b)(ix)).....\$20.00
- (vi) Processing water exchange permits or petitions (plus appropriate recording fees; both Wyoming State Engineer’s Office and County Clerk, see Section 3(b)(ix) and certification charges, see Section 6(e)).....\$25.00
- (vii) Safety of Dams PLAN Reviews
  - (A) For dams more than twenty (20) feet but less than forty (40) feet in height or with a capacity of fifty (50) acre-feet or more but less than one hundred (100) acre-feet .....\$100.00
  - (B) For dams forty (40) feet in height or more or with a capacity of one hundred (100) acre-feet or more .....\$150.00
- (viii) Application for Weather Modification Activity .....\$50.00
- (ix) For recording any instrument in the official records of the Wyoming State Engineer’s Office, Wyoming State Board of Control or with the County Clerk.
  - (A) First sheet, and;.....\$8.00
  - Each subsequent sheet .....\$3.00
  - (B) A fee will be required for recording with County Clerks any water right instrument or certificate as required by and specified in W.S. 18-3-402.

**Section 4. Ground Water Fees.**

(a) All non-reimbursable fees must be paid in advance. All remittances are to be made payable to the “Wyoming State Engineer’s Office” except those remittances that are submitted in conjunction with adjudication costs, which are to be made payable to the “Wyoming State Board of Control”. Remittances should be transmitted with the application or petition and cover letter.

(b) Fee Schedule. The following fees are required for each instrument filed in the Wyoming State Engineer’s Office:

(i) Water right application to Appropriate Ground Water

(A) Domestic and/or Stock Watering Use Wells .....\$50.00

(B) Irrigation, Municipal, Industrial, Miscellaneous Wells .....\$75.00

(C) Coalbed Methane Wells .....\$50.00

(D) Monitor and Test Wells .....No Fee

(ii) Formal petition to modify or change a permit or application (plus appropriate recording fees, see Section 3(b)(ix)).....\$20.00

(iii) For recording any instrument in the official records of the State Engineer, State Board of Control or with the County Clerk, see Section 3(b)(ix).

(iv) Temporary water use agreements to use ground water under an existing valid permit, see Section 3(b)(iv).

(c) An amount not to exceed fifty (\$50.00) of the fees collected for each application for a permit under W.S. 9-1-904 (a) (v) (A) and (D) shall be deposited into the account created under W.S. 33-42-116 for wells which require the use of a licensed well driller pursuant to W.S. 33-42-103.

**Section 5. Board of Control Fees.**

(a) In some instances, fees are required to accompany a petition to the Wyoming State Board of Control. All remittances shall be made payable to the “Wyoming State Board of Control”. When required, a payment of fees should be attached to the petition itself or to the cover letter.

(b) The following fee is required in conjunction with the adjudication of a surface water right by the Wyoming State Board of Control.

(i) Proof of appropriation.....\$70.00

(ii) Fees collected for the adjudication of surface water rights are used for the recording of the certificate of appropriation and attached pages with the County Clerk in accordance with W.S. 18-3-402, and are used to pay required newspaper advertising fees.

(c) The following fee is required in conjunction with the adjudication of a ground water right by the Wyoming State Board of Control,

(i) Proof of appropriation .....\$70.00

(ii) Fees collected for the adjudication of ground water rights are used for the recording of the certificate of appropriation and attached pages with the county clerk in accordance with W.S. 18-3-402, and are used to pay required newspaper advertising fees.

(d) The fees for each certificate to be amended

(i) by petition for an amended certificate,

(ii) by petition for change in place of use, or

(iii) by petition for change of use.

(A) Total cost per certificate to be amended .....\$50.00

(e) The fees for each appropriation (certificate) to be abandoned through a petition for declaration of abandonment.

(i) Total cost per certificate to be abandoned.....\$50.00

(f) No fees are required for petitions for change of point of diversion, point of diversion and means of conveyance, change in location of wells, and voluntary abandonment.

(g) For recording any instrument in the official records of the Wyoming State Engineer's Office, Wyoming State Board of Control, or the County Clerk, see Section 3(b)(ix).

(h) A recordation fee of ten dollars (\$10.00) per page is required to accompany the filing of an ADWR, as provided by W.S. 9-1-904 (a)(i).

**Section 6. Miscellaneous Fees.** The Wyoming State Engineer's Office and the Wyoming State Board of Control find the following fees are the actual costs of producing copies of the following records:

(a) For making prints of maps on file.

(i) "B", "D", or township plat size map .....\$1.00

(ii) "E" & "G" size map .....\$1.50

- (iii) "F" & larger size map .....\$.75/linear foot
- (iv) Minimum Charge (any map) .....\$1.00
- (v) Mylar map copies .....Commercial rates
- (b) For making microfilm copies of records:
  - (i) Each paper copy .....\$.50
  - (ii) Each microfiche .....\$.50
- (c) For water right searches:
  - (i) Each search (plus appropriate copy fees) .....\$25.00
  - (ii) Computer data base searches
    - (A) Set up for each search (plus media, photocopy and data fees).....\$25.00
- (d) Certified copies
  - (i) Certificate cover (plus appropriate copy fees) .....\$3.00
- (e) FAX copies per page .....\$1.00

**Section 7. Adoption of Uniform Rules.** The Wyoming State Engineer’s Office and the Wyoming State Board of Control hereby incorporate by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://seo.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Wyoming State Engineer’s Office and the Wyoming State Board of Control have determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Wyoming State Engineer's Office, Herschler Building, 2W, Cheyenne, WY, and are available for public inspection and copying at the same location.