



State Engineer's Office

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PATRICK TYRRELL
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MEMORANDUM

DATE: February 6, 2018

TO: State Engineer's Office Personnel

FROM: Patrick T. Tyrrell, State Engineer

A handwritten signature in blue ink, appearing to read "P. Tyrrell", is written over the "FROM:" line.

SUBJECT: Policy regarding groundwater applications for domestic and stock watering uses

Wyoming Statute § 41-3-907 defines appropriations of groundwater for stock or domestic use as follows:

Appropriations of underground water for stock or domestic use, the latter being defined as household use and the watering of lawns and gardens for noncommercial family use where the area to be irrigated does not exceed one (1) acre, where the yield or flow does not exceed .056 cubic feet per second or twenty-five (25) gallons per minute, shall have a preferred right over rights for all other uses, regardless of their dates of priority, subject to the provisions of W.S. 41-3-911, as amended, if an appropriation is for two (2) or more uses, and includes one (1) of the above preferred uses, the preferred use shall be limited to .056 cubic feet per second or twenty-five (25) gallons per minute, and the application shall specify one (1) acre upon which such preferred uses shall be made. Such preferred use shall not include municipal use by any person of water appropriated by a municipality or company, or any instance where water is purchased or held out for sale.

By policy adopted in the early 1980's, the State Engineer's Office (SEO) had further interpreted domestic and stock uses of groundwater as follows:

- Domestic use was for no more than three single family dwellings; and
- Stock use was for no more than four points of use within one mile of the well or spring.

Appropriations that did not satisfy the policy interpretation were permitted as "miscellaneous" use with adjudication requirements (and commensurate costs) specified under Wyoming Statute § 41-3-935.

Presumably, the decision to permit these somewhat larger-scale domestic and livestock watering activities as miscellaneous use was because they do not appear as "de minimis" in the conventional view of domestic and stock uses. Furthermore, mapping and adjudication

requirements would ultimately clarify the place of use of these larger livestock watering and domestic activities and reduce permitting errors or omissions.

However, aquifers respond to the stress applied over an area. Over time, an aquifer responds practically no different to one centrally located well serving four or five closely spaced points of use as it would with each point of use having a dedicated well. The important factor is the statutory cap of twenty-five (25) gallons per minute of well yield or flow. Furthermore, technological advancements now make it possible for a layperson to obtain global positioning system (GPS) coordinates and determine points of stock watering and domestic uses sufficiently accurate for the SEO's records and needs.

Accordingly, I hereby rescind any previously issued SEO policy which provided additional interpretation or definition of stock watering and domestic uses, including:

1. The July 1, 1982 Richard G. Stockdale policy memorandum titled "Policy regarding stock watering pipelines where the water source is a well"; and
2. The policy quoted in the letter dated November 1, 1983 from State Engineer George Christopulos to Mr. Peter M. Hansen, Chairman, Niobrara Conservation District, in which Mr. Christopulos describes domestic use and stock watering pipelines.

Please review any Application for Permit to Appropriate Ground Water (U.W. 5) submitted to the SEO to assure compliance with Wyoming Statute § 41-3-907 and the Regulations and Instructions of the SEO relating to groundwater.

In addition, for all stock and domestic use applications where the proposed use would have been classified as a miscellaneous use under the SEO's previous policies, granted permits shall contain the following condition:

As part of the well owner's completion and submission of a Statement of Completion and Description of Well form, or as soon as practicable thereafter, the owner shall indicate distance and direction from the well to the point or points of use, and explain how the water is conveyed. If necessary, the owner shall submit a diagram, which may be similar to a special application map, on a separate sheet of paper. Additionally, the owner shall supply GPS coordinates of each point or points of use and tabulate them on the map or diagram. The State Engineer or his authorized representative may inspect the works and the uses being made of the water. Inspection may include, but not be limited to, verification of the well location, permitted flow rate, and points and areas of use.

This policy shall remain in force until such time as it is rescinded, replaced or superseded by statute or rule.