

**STATEMENT OF PRINCIPAL REASONS FOR
PROMULGATING REVISED RULES IN PART II, “REGULATIONS AND
INSTRUCTIONS,”
OF THE
STATE ENGINEER’S OFFICE RULES**

The State Engineer’s Office intends to promulgate revised rules in Part II, “Regulations and Instructions,” of the State Engineer’s Office rules. These rules were last filed by the Secretary of State on March 5, 1974.

The State Engineer is authorized under Wyoming Statute §41-3-909 to prescribe such rules and regulations as may be necessary or desirable to enable him to administer Wyoming Statutes §§ 41-3-901 through 41-3-938. Rulemaking within Part II is required to allow the Ground Water Division of the State Engineer’s Office to amend the existing “Regulations and Instructions” to respond to changes in technology, recognize new and changing uses for groundwater, recognize new methods that the public can use to obtain information, recognize new resources that the public can use to initiate and complete the process to appropriate groundwater, and recognize changes in the manner that the State Engineer’s Office conducts certain elements of business in response to implementing numerous statutory requirements that have been enacted since the current rules were filed. Because the previous rules were last filed in 1974, the proposed amendments are so pervasive that strike and underscore revisions are not provided. Significant changes have been made to all Chapters.

The majority of the information in the previously existing Chapters has been moved, deleted, expanded upon, and re-organized into what is envisioned as a significantly improved resource for the public. This effort has produced a reduction in the overall size of these rules, from 83 total pages in the previous version to 53 total pages in the new version, a reduction of more than 36% in size.

Chapter I now explains the purpose of the rules and presents the authority under which the State Engineer’s Office may establish these rules. It also contains updated information about how to obtain information and assistance from, and communicate with, the State Engineer’s Office. It also contains an expanded Definitions Section, as well as Sections related to Control Areas, Interference Investigations, and possible regulation scenarios.

Chapter II now explains the procedures and general instructions for securing authority to construct and use a facility to appropriate groundwater for a specific purpose.

Chapter III now explains the procedures and general instructions for completing the water right process, and/or completing the adjudication process for a groundwater right.

Chapter IV now explains the procedures and general instructions for modifying existing groundwater permits or adjudicated groundwater rights.

Chapter V now contains line by line instructions on how to complete the most common forms required to secure a water right and complete the water right process.

Chapter VI now contains updated map and survey requirements for maps used in the groundwater right adjudication process.

Chapter VII now contains information describing the contested case procedures to be followed in such cases before the State Engineer.

More than 25 pages of the previous Chapter IV were devoted to the depiction of properly completed forms and other instruments used by the State Engineer's Office. Nearly all of the depicted forms and instruments are obsolete and were deemed unnecessary for this revision. Therefore, this entire Chapter was deleted for this revision.

The previous Chapter VII contained information relative to petitions which was deemed redundant for this revision, as all of this information is contained in the current version of the State Engineer's Office Rules, Part IV, Regulations and Instructions, State Board of Control.

The previous version of these rules contained 8 Chapters, this version contains 7 Chapters.