

CHAPTER 100

Original House Bill No. 218

DUTIES OF STATE ENGINEER—PERMITS TO DRILL WATER WELLS

AN ACT to amend and re-enact Section 41-139, Wyoming Statutes 1957, concerning duties of the State Engineer in granting, denying, or returning for correction, applications for permits to drill water wells in the State of Wyoming; and adding a new Subsection (d) to Section 41-140, Wyoming Statutes 1957, providing for the applicability of the Wyoming Administrative Procedures Act.

Be It Enacted by the Legislature of the State of Wyoming:

State Engineer to Grant Permits for Water Wells; Denial if Proposal Inadequate; Ninety Day Correction Period

Section 1. That Section 41-139, Wyoming Statutes 1957, is amended and re-enacted to read as follows:

An application for a permit for a well in any areas not designated as a critical area shall be granted as a matter of course, if the proposed use is beneficial and, if the State Engineer finds that the proposed means of diversion and construction are adequate. If the State Engineer finds that to grant the application as a matter of course, would not be in the public's water interest, then he may deny the application subject to review at the next meeting of the State Board of Control. If the State Engineer shall find that the proposed means of diversion or construction are inadequate, or if the application is otherwise defective, he may return the application for correction. If such correction is not made within ninety (90) days, the State Engineer may cancel the application.

Subject to Provisions of the Wyoming Administrative Procedure Act

Section 2. That Section 41-140, Wyoming Statutes 1957, is amended and re-enacted by adding a new subsection (d) thereto as follows:

(d) All procedures set forth in this Section shall be conducted in conformance with and subject to the provisions of the Wyoming Administrative Procedure Act.

Approved February 24, 1969.