

Wyoming Water Well Contractor's Newsletter



IN THIS ISSUE:

News from the Director	1
Featured Article	1
Test Your Knowledge	2 & 3
Calendar / Events	3

NEWS FROM THE DIRECTOR'S DESK

This month's featured article was written by Carol Lacy Velez. Mrs. Velez worked for the Ground Water Division for many years and thoroughly enjoyed helping the public understand water rights in Wyoming. Mrs. Velez has been retired for a number of years. However, some of the material that she had written is still used by the State Engineer's Office in educating the public and various entities on Wyoming Water Rights. The featured article is one that I have used often in educating appropriators, realtors, surveyors, lawyers, etc. on the history of Wyoming Ground Water Laws. I hope that you find it useful to help inform your clients of the history of Wyoming Water Law and importance of obtaining a groundwater permit.

Happy Thanksgiving!



HISTORY OF WYOMING'S UNDERGROUND WATER LAW

By Carol Lacy Velez

The first legislation on underground water (also termed "ground water") enacted in Wyoming was Chapter 139, Session Laws of Wyoming, 1945. This Act declared the public interest in underground percolating waters and a vested right in certain uses of such waters. It further authorized and directed the State Engineer to investigate underground water conditions in various parts of the State.

In 1974, the Legislature of the State of Wyoming enacted Chapter 107, Session Laws of Wyoming, 1947, relating to the use and regulation of underground water. This law, which was in effect until 1957, provided for:

- (a) The filing of claims to wells completed prior to April 1, 1947 (called Statement of Claim; priority date—date of completion of well)
- (b) The registration with the State Engineer of wells completed after April 1, 1947 (called WELL REGISTRATION; priority date—date filing was received in State Engineer's Office)
- (c) The exception of wells developed solely for domestic, culinary, and stock use
- (d) A procedure for adjudication (finalization) of the rights.

1957 GROUND WATER LAW

Chapter 169, Session Laws of Wyoming, 1957, with an effective date of March 1, 1958, repealed and replaced the 1947 Statute. However, the rights established under the provisions of the 1947 Law remain valid. *Continued on page 2*

State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors

Website:
wwcb.state.wy.us
email:wwcb@wyo.gov

Sheri R. Culver
Executive Director
122 W. 25th St.
Cheyenne, WY 82002

Office:
(307) 777-7243

Fax:
(888) 988-1322

E-Mail:
sheri.culver@wyo.gov



DID YOU KNOW

The 79.3 billion gallons of groundwater a day used in the United States equals 1 billion, 586 million bathtubs full of water – enough to circle the Earth more than 60 times.



Basalt is a dark-colored, fine-grained, igneous **rock** composed mainly of plagioclase and pyroxene minerals. It most commonly forms as an extrusive **rock**, such as a lava flow, but can also form in small intrusive bodies, such as an igneous dike or a thin sill. It has a composition similar to gabbro. Geology.com

Continued from page 1

The filing of an application with and securing of a permit from the State Engineer is required before commencing construction of a well or performing any work (including test holes) in connection with such construction, or in the utilization of a well constructed for any other purposes, which is found suitable for the withdrawal of ground water. Under the 1957 law, permits shall be issued as a matter of course in any area not designated as a “critical area”, if the use to be made is beneficial, and if the State Engineer finds that the application is in proper form and the proposed means of diversion and construction are adequate.

The law enacted in 1957 continued the provision for the exemption of domestic and stock wells, and declared such uses as having a preferred right over rights for all other uses.

1969 AMENDMENTS

In 1969, the Legislature amended the law so that all wells, **INCLUDING DOMESTIC AND STOCK WELLS**, constructed after the effective date of the amendment (May 24, 1969) require a permit before drilling of the well or use of ground water begins. Domestic and stock wells are still considered as having a preferred water right over wells drilled for other uses. The law defines domestic use as household use, including the watering of lawns and gardens for non-commercial family use, where the area to be irrigated does not exceed one acre; the quantity of water to be pumped for family or stock use shall not exceed 25 gallons per minute. A well may supply water to more than one, but not more than three, single-family dwellings and still be considered a domestic use provided that:

- (a) The yield does not exceed 25 gpm;
- (b) The total area of lawns and gardens to be watered does not exceed one (1) acre in areal extent;
- (c) No charge, hidden or otherwise, is levied for the use of the water;
- (d) The water is not used in conjunction with a commercial endeavor.

Domestic and stock wells completed prior to May 24, 1969 could be registered with the State Engineer. Such registration was not compulsory, but in cases of conflict between water users, registration would be required to show priority dates and information on well construction. Unregistered wells would not be considered to have a valid water right. All existing domestic or stock wells which were properly registered prior to December 31, 1972, have a priority as of the date of completion of the well.

Continued on Page 4



TEST YOUR KNOWLEDGE *answers on Page 3*

- 1.) The components of a pitless adapter must allow sufficient clearance for the insertion and removal of the down-hole pumping assembly. True or False?
- 2.) The minimum isolation distance between a Public Water Supply (PWS) well and a typical household (i.e. <2000 gal/day) septic tank is?
- 3.) A well that produces groundwater that is interconnected with a surface water source may be regulated along with surface water right priorities? True or False?

Calendar of Upcoming Events:

NGWA	Summit	Nashville, TN	December 4-7, 2017
NGWA	Groundwater Week	Nashville, TN	December 5-7, 2017
WWCB	Board Meeting	Casper, WY	January 24, 2018
WGWA	2018 Convention	Casper, WY	January 24-26, 2018
AGWT	AGWA-AGWT Annual Conference	Ontario, CA	February 12-13, 2018
AGWT	Educational Videos & Books	Website	WWW.AGWT.org
ISWD	International School of Well Drilling	Website	Welldrillingschool.com
NGWA	Events and Education	Website	http://www.ngwa.org/Events-Education/Pages/Home.aspx
TLC	Technical Learning College	Website	http://www.abctlc.com
GOULDS	Water Technology Basic Water Systems Training	Website	http://goulds.com/e-learning/e-learning-course-descriptions/

WGWA – Wyoming Ground Water Association

NDA – National Drilling Association

NGWA – National Ground Water Association

NWDA – Nebraska Well Drillers Association

CWWCA – Colorado Water Well Contractors Association

WARWS – Wyoming Association of Rural Water Systems

WWA- Wyoming Water Association

WWQ & PCA – Wyoming Water Quality & Pollution Control Association

WWWCB – Wyoming Water Well Contractors Licensing Board

AGWT – American Ground Water Trust

SEDC – Shallow Exploration Drillers Clinic

National Driller –
WWW.nationaldriller.com/events

Technical Learning College
www.abctlc.com

For continuing education opportunities please refer to each respective association's website for additional information.



Don't wait until the last minute to renew your license! Take a few minutes today and complete the application for renewal. If you are a little short on CPC Units there are several great courses offered online. The requirements for CPC Units can be found in the Board's Rules and Regulations, Chapter 7, Section 4. Please don't hesitate to call me if you have any question (307-777-7243).

Answers to Test Your Knowledge from page 2

1. True
2. 50 feet
3. True

Continued from Page 2

Existing wells registered after December 31, 1972, have a priority as of the date of filing with the State Engineer's Office (See State Engineer's Office Rules & Regulations for current registration procedure).

The exception to the automatic approval was enacted by the 1969 Legislature, and the law now reads that the State Engineer can deny a permit for a well if such denial is demanded by the public interest. Such a decision by the State Engineer is subject to review by the Board of Control (W.S. 41-3-931, 1977).

IMPORTANT POINTS TO REMEMBER

Granting of a permit does not guarantee the right to have the water level or artesian pressure in the well maintained at any specific level. The well should be constructed to a depth adequate to allow for the maximum development and beneficial use of groundwater in the source of supply.

The permit sets the initial limits of the appropriation as to the quantity of water, uses, and points of use to those that are shown on the application when it is received in the State Engineer's Office.

The final "amount of appropriation shall be limited to the quantity to which permittee is entitled as determined at the time of proof of application of water to beneficial use." For water rights which will be adjudicated, that determination is made at the time of the INSPECTION conducted by personnel from the State Engineer's Office, and specified on the Proof of Appropriation and Beneficial Use of Ground Water - - Part III.

For stock watering and/or domestic wells (which are not required to go through the adjudication process), and for which "beneficial use is assumed as of date of completion," the final amount of appropriation is determined to be the quantity reported on the Statement of Completion and Description of Well.

Form U.W. 6, Statement of Completion and Description of Well or Spring, must be submitted to the State Engineer's Office, Ground Water Division, within 30 days after completion of the well, even if a pump has not been installed. Wyoming Statute §41-3-935(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 data required relating to such well, on forms furnished by the state engineer. 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."

Total number of Ground Water Applications approved:

<u>Month of October 2017</u>	<u>For the Year</u>
Water Division I – 46	550
Water Division II – 40	532
Water Division III – 21	232
Water Division IV – 18	276

