

## MEMORANDUM

FROM: LISA LINDEMANN, ADMINISTRATOR, GROUND WATER DIVISION  
DATE: DECEMBER 15, 2006  
SUBJECT: APPROVAL OF NEW PERMITS FOR MUNICIPALITIES, SERVICE AND IMPROVEMENT DISTRICTS, SUBDIVISIONS, AND OTHER LARGE WATER USERS, AND SERVICE AREA UPDATES

### Approval of New Permits

The State Engineer has approved a large number of ground water rights that are subject to compliance with certain conditions and limitations, and have normally been attached to water rights that will appropriate large amounts of ground water in high ground water use areas. These conditions and limitations typically require the appropriator to provide data on their water use, and to collect other ground water level data that is used by the State Engineer to quantify the impact to the ground water resource caused by the exercise of these ground water rights. While it is imperative that these appropriators provide the required information if they expect to continue to enjoy uninterrupted use of their ground water rights, it has often been difficult to compel the holders of these ground water rights to provide the required information to remain in compliance.

As the State Engineer has the responsibility to manage the ground water resource for all of the users, it does not seem prudent to continue to issue new ground water rights to those appropriators who have elected to not provide the information that the State Engineer has required, or are otherwise out of compliance with their current ground water rights. Therefore, it is the intent of the Ground Water Division to forego approval of new ground water rights for Municipalities, Service and Improvement Districts, and other large ground water users that have the greatest impact on the ground water resource, until such time as these entities come into compliance with the requirements of any ground water right(s) which they currently hold for the same use or area of use.

Prior to the submission of a new application for any of the types of water use referenced above for approval, the technician responsible for processing the application should determine, through consultation with the Permit Compliance Coordinator, whether the potential ground water user is in compliance regarding any ground water right(s) that they currently hold. If the ground water user is in compliance, the application should be submitted for approval. If the ground water user is not in compliance, the Permit

Compliance Coordinator should notify the ground water user of any deficiencies through written correspondence, and the application should be placed in a pending status until such time as any subject associated ground water right(s) are brought into compliance. Common reasons why these types of ground water right(s) could fail to be within compliance include, but are not limited to:

1. Failure to regularly submit data related to overall ground water use and/or ground water levels.
2. Failure to submit the Statement of Completion document within 30 days of setting the well pump.
3. Failure to submit the Map to Accompany Proof of Appropriation and Beneficial Use of Ground Water within 180 days of submission of the Proof of Appropriation and Beneficial Use of Ground Water Part I form.
4. Failure to submit an updated Service Area map for those Municipalities and Service and Improvement Districts that have expanded their Service Areas since the last permit action with this office.

### **Service Area Updates**

For the purposes of this memorandum, the term Service and Improvement District is defined as any political subdivision with taxing and bonding authority, a right of which is the ability to levy taxes and issue bonds for the construction and operation of community water systems.

The Service Areas supplied under many water rights for Municipalities and Service and Improvement Districts tend to expand over time, and many older water rights, whether adjudicated or unadjudicated, may not authorize delivery of water to portions of the Service Area currently supplied by a Municipal or Service and Improvement District water system.

The current policy of the State Engineer is to not require enlargements of any existing water right(s) to recognize the authority of the Municipality or Service and Improvement District to serve lands outside of their previously recognized Service Area. The authority of these entities to supply an expanded Service Area with all of their pertinent water sources will be recognized upon the submission of a proper map showing the new Service Area. This map will need to be Certified by a Professional Engineer or Professional Land Surveyor licensed to practice in the State of Wyoming and should include all of the sources of water supplying the Service Area, and a listing of the pertinent water right(s), including both adjudicated and unadjudicated surface and ground water rights, so that all of the water right records can be updated upon the submission of the new map.

Memorandum

Page 3

The Certificates of Appropriation for adjudicated water rights will not be modified unless a proper petition to the Board of Control is submitted that requests that the Certificates of Appropriation be updated to recognize the authority to serve a larger Service Area under these adjudicated water rights. When a new ground water application is received for a water delivery system where all of the water rights are adjudicated, the application should be submitted for approval if all of the other aspects of the water rights serving the system are in compliance. When the Map to Accompany Proof of Appropriation and Beneficial Use of Ground Water is received for the latest ground water right, an addendum will be attached to the permits for the adjudicated water rights which recognizes the authority to serve the Service Area shown on the new map, and shall include a reference to where the new map showing the new Service Area is located.

In those instances where there are unadjudicated ground water rights supplying a water delivery system and a new Map to Accompany Proof of Appropriation and Beneficial Use of Ground Water is received, the Service Area shown on the new map will be recognized to be authorized to be supplied by the unadjudicated ground water rights. An addendum will be attached to the permits for the unadjudicated ground water rights which recognizes the authority to serve the Service Area shown on the new map, and shall include a reference to where the new map showing the new Service Area is located. The new Service Area shall be recognized and shown on the Proof of Appropriation and Beneficial Use of Ground Water Part III form and the Certificate of Appropriation at the time of adjudication of the unadjudicated ground water rights.