



State Engineer's Office

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GOVERNOR

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PATRICK TYRRELL
STATE ENGINEER

April 11, 2012

FROM THE OFFICE OF THE WYOMING STATE ENGINEER

**TEMPORARY ORDER ADOPTING WELL SPACING REQUIREMENTS WITHIN
THE LARAMIE COUNTY CONTROL AREA**

NOTICE IS HEREBY GIVEN THAT:

1. Increasing water demands in the Laramie County Control Area (Control Area) have placed added pressure on the Control Area's limited water resources. These demands include rural residential, stockwater, irrigation, industrial, and municipal uses.
2. The Control Area was established in its present configuration in 1981 and encompasses the eastern two-thirds of Laramie County, Wyoming.
3. The Control Area was created due to declining groundwater levels and the potential for conflicts between groundwater users in the area.
4. An adjudication of wells within the Control Area was completed subsequent to creation of the Control Area and pursuant to Wyo. Stat. § 41-3-914. Since the creation of the Control Area, groundwater levels in the area have been declining as measured by the State Engineer's Office's groundwater monitoring network. This network includes 33 monitoring wells in Laramie County.
5. There are very limited surface water sources within Laramie County. Water users are dependent on the County's groundwater resources to supply their water needs.
6. It is the policy of the State of Wyoming to conserve its underground water resources. Wyo. Stat. § 41-3-909(a).
7. Wyoming statute contemplates the potential, disparate treatment of overlying aquifers. Wyo. Stat. § 41-3-910.
8. The State Engineer is authorized to adopt certain corrective controls should he find that groundwater in a control area is insufficient for all of the appropriators. Wyo. Stat. § 41-3-915.
9. The process to determine the sufficiency of the Control Area's groundwater resources and evaluate whether corrective controls are necessary will take time. Wyo. Stat. § 41-3-915.

Surface Water
(307) 777-6475

Ground Water
(307) 777-6163

Board of Control
(307) 777-6178

10. The State Engineer is also authorized to temporarily adopt corrective controls where it appears that immediate regulation is required. Wyo. Stat. § 41-3-915
11. It now appears to the State Engineer that immediate regulation is required in the Control Area. The State Engineer is therefore adopting certain temporary corrective control measures under Wyo. Stat. § 41-3-915(a). The measures adopted are done so on a temporary basis pending the additional process outlined by § 41-3-915(a).
12. While these temporary measures are in effect the State Engineer will, pursuant to Wyo. Stat. § 41-3-915(a), hold one or more public hearings to determine whether the underground water in the area is adequate for the needs of all appropriators in the area. After the hearings and upon receipt of advice from the Laramie County Control Area Advisory Board, the State Engineer may order the adoption of one or more of the corrective controls identified at Wyo. Stat. § 41-3-915(a)(i) – (v) to replace the temporary corrective measures now adopted.

THE WYOMING STATE ENGINEER HEREBY ORDERS THAT:

1. Effective immediately, the State Engineer's Office temporarily adopts well spacing requirements, pursuant to Wyo. Stat. § 41-3-915(a)(v), for new Applications For Permit To Appropriate Ground Water, including enlargement applications, where the point of diversion (well location) is located within the Laramie County Control Area. The well spacing requirements are as follows:
 - a. For stockwatering, domestic, and miscellaneous use well applications where the quantity of water to be appropriated is 25 gallons per minute or less, and the well is proposed to be completed within the High Plains aquifer system, the following horizontal well spacing is adopted:
 - i. No more than one domestic and/or stockwatering use well per lawfully subdivided lot, or one well per ten acres of any other legal parcel of land. Domestic and stockwatering wells completed within the High Plains aquifer system are limited to a maximum volumetric quantity of 1 acre-foot of water to be developed and beneficially used per calendar year.
 - ii. Miscellaneous use wells completed within the High Plains aquifer system shall be a minimum of one mile distant from any other miscellaneous use well completed within the High Plains aquifer system and are limited to a maximum volumetric quantity of 2 acre-feet of water to be developed and beneficially used per calendar year.
 - b. For all wells other than the stockwatering, domestic, and miscellaneous use wells identified in paragraph 1.a. above, a vertical well spacing requirement is hereby adopted which requires these wells to be completed exclusively within the Lance Formation or Fox Hills

Sandstone. Water appropriation from the High Plains aquifer system is prohibited for wells completed under this subsection. Wells completed under this subsection shall be a minimum of one mile distant from any other well completed within the Lance Formation or Fox Hills Sandstone.


- c. Applications to appropriate underground water or petitions to amend an existing water right within the Control Area must also satisfy all other statutory and regulatory requirements, including those imposed by Wyo. Stat. Ann. § 41-3-932, prior to being granted.
 - d. Compliance with these well spacing requirements does not preclude the State Engineer from issuing any permits subject to such conditions as he may find to be in the public interest.
2. The State Engineer's Office will continue processing applications with priority dates that precede the date of this Order and which have not yet been presented to the Control Area Advisory Board, or are currently scheduled to be heard by the Board, in accordance with Wyo. Stat. § 41-3-932. This Order shall not apply to those applications.
 3. This Temporary Order shall remain in effect until October 1, 2013, unless modified or cancelled at an earlier date by subsequent order of the Wyoming State Engineer.

Dated April 11, 2012


 Patrick T. Tyrrell
 Wyoming State Engineer

STATE OF WYOMING)
) ss
STATE ENGINEER)

The forgoing instrument was duly recorded in Miscellaneous Records Book 16, Pages 277 through 279.


 Clerk