

TAKINGS CHECKLIST

	CRITERIA	YES	NO
1.	Does the action affect private property? (If no, no further inquiry is necessary.)		
2.	Is the action mandated by State or federal law? (If yes, go to question 3. If no, go to question 4.)		
3.	Does the proposed action advance a statutory purpose?		
4.	Does the action result in permanent occupation of private property?		
5.	Does the action require the property owner to dedicate property or grant an easement?		
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		
7.	Does the character of the government action balance the public interest and private burdens?		
8.	Does the action deprive the owner of all economically viable uses of the property?		
9.	Does the action have a significant impact on the landowner's economic interest?		
10.	Does the action deny the owner a fundamental attribute of ownership?		
11.	Does the action serve the same purpose that would be served by directly prohibiting use of the land?		
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		

If these questions are answered yes, legal counsel should be consulted, for it is possible the proposed action will be a taking.

Water Quality Rules and Regulations Chapter 12 Takings Checklist Analysis for Proposed Revisions

1. *Does the action affect private property?* Yes. The proposed revisions to Chapter 12 may indirectly impact private property in that the revisions may impact the conditions placed on public water supplies that are privately owned.
2. *Is the action mandated by State or federal law?* No. The action is not mandated. The action is intended to ensure that public water supply well acidization activities are properly conducted and do not negatively impact underground sources of drinking water that are in the vicinity of the proposed activities, in cases of public water systems that intend to acidize new wells during well completions.
4. *Does the action result in permanent occupation of private property?* No. The proposed revisions do not require the design or construction of public water systems.
5. *Does the action require the property owner to dedicate property or grant an easement?* No. The chapter does not dictate the specific placement of public water systems on private property nor does it require easements.
6. *Does the regulatory action interfere with the owner's investment-backed expectations?* No. The design and construction standards that applicants must comply with in order to obtain a permit are not prohibitive.
7. *Does the character of the government action balance the public interest and private burdens?* Yes. The purpose of Wyoming Statute § 35-11-302 as declared by the Wyoming legislature is "to prescribe standards for the issuance of permits for construction, installation, modification or operation of any public water supply and sewerage system, subdivision water supply, treatment works, disposal system or other facility, capable of causing or contributing to pollution.
8. *Does the action deprive the owner of all economically viable uses of the property?* No. The revisions do not prescribe any proposed uses of the property.
9. *Does the action have a significant impact on the landowner's economic interest?* No. The revisions do not reduce or eliminate reasonable profitable uses of the property nor do they contribute to a severe reduction in property value.
10. *Does the action deny the owner a fundamental attribute of ownership?* No. The revisions do not deny property owners of the right to possess, exclude others, or dispose of all or a portion of their property.
11. *Does the action serve the same purpose that would be served by directly prohibiting use of the land?* No. Directly prohibiting use of the land would be much more restrictive than the proposed revisions.
12. *Could the problem which has necessitated the action be addressed in a less restrictive manner?* No. Less restrictive provisions could potentially endanger human health, the environment, or private property rights.