

# INTERSTATE STREAMS PROGRAM

As a headwaters state, Wyoming is party to seven interstate compacts and three interstate court decrees. In addition to participating in the interstate commissions that have been established to administer these compacts, the State Engineer also participates in a number of basin- or region-wide water resource groups and associations.

## Compacts

- **Colorado River Compact, 1922** - Divides the basin at Lee Ferry, Arizona. Provides that the upper basin states may use 7.5 million acre-feet annually.
- **Upper Colorado River Basin Compact, 1948** - Apportions 14% of the water allocated to the Upper Basin States in the Colorado River Compact to Wyoming.
- **Amended Bear River Compact, 1978** - Provides for administration of flows and storage between Utah, Idaho, and Wyoming.
- **Belle Fourche River Compact, 1943** - Allocates new uses after 1943, 10% to Wyoming and 90% to South Dakota.
- **Snake River Compact, 1949** - Wyoming may divert 4% of the Idaho-Wyoming state line flow for post-1949 uses.
- **Upper Niobrara River Compact, 1962** - Restrictions on storage in larger (over 500 acre feet) facilities.
- **Yellowstone River Compact, 1950** - Allocates the flows of the Powder, Tongue, Bighorn and Clarks Fork Rivers between Montana and Wyoming for post 1950 uses.

## Interstate Court Decrees

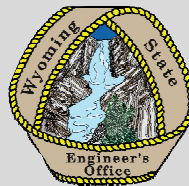
- **North Platte River, 1945 - Modified 2001** The Supreme Court ruled that Wyoming can annually irrigate up to 226,000 acres above Guernsey Reservoir. Natural flow is split below Whalen Dam; 25% to Wyoming and 75% to Nebraska.

- **Laramie River, 1922, 1936 & 1957** - The Supreme Court ruled that Colorado can divert up to 39,750 acre feet per year.
- **Roxana Decree, 1941** - Provides for the division of flows in Teton and South Leigh Creeks between Idaho and Wyoming.

## Other Court Decrees

- **Big Horn General Adjudication, 1985 and later** - Water rights within Water Division No. 3 have been affected by a series of state court decisions through the general stream adjudication process. On the Wind River Indian Reservation, the courts have adjudicated federal reserved water rights and *Walton* rights (a water right appurtenant to land that had previously been allotted to an Indian, but which subsequently passed into non-Indian ownership) that have a treaty based priority date of July 3, 1868.

Throughout the Reservation, there may be state permitted water rights, federal reserved water rights and *Walton* rights on one ditch system. If you believe your water use is affected by a federal reserved water right or a *Walton* right, or for further assistance in determining the type of water right that may be appurtenant to specific land with the reservation, please contact the Wyoming State Board of Control, Herschler Bldg. 4E, Cheyenne, Wyoming, 82002, or by phone at 307-777-6178.



Herschler Building, 4E

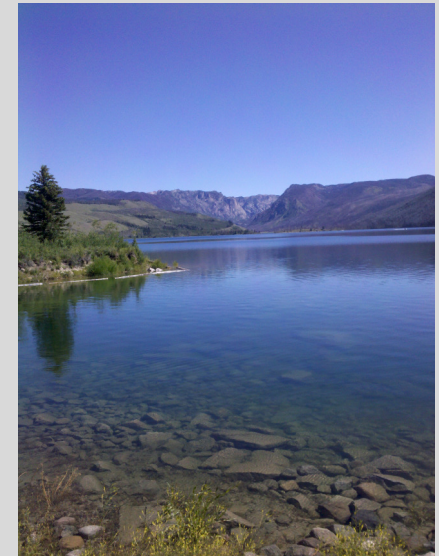
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# Wyoming State Engineer's Office

## Administering Wyoming's Water Resources



Patrick T. Tyrrell, State Engineer

The Wyoming Constitution declares that all natural waters within the boundaries of the state are the property of the state. The Wyoming State Engineer's Office is charged with the regulation and administration of the water resources in Wyoming.

Wyoming water law operates under the prior appropriation doctrine, or "first in time is first in right." During times of water regulation, those holding an earlier priority water right are allowed to receive their full portion of water before those with junior rights.

Permits can be issued to anyone who plans to make beneficial use of the water thereby establishing a water right. Recognized beneficial uses include but are not limited to: irrigation, municipal, industrial, power generation, recreational, stock, domestic, pollution control, instream flows (State-held), and miscellaneous. Water right holders are limited to the amount of water that can be beneficially used. However, irrigation use is set by statute and depending on supply conditions, irrigators are allowed to divert up to 1 cfs (cubic foot per second) for every 70 acres permitted.

## REGULATORY FUNCTIONS

### Surface Water

The Surface Water and Engineering Division is responsible for reviewing permit applications to put surface water of the state to a beneficial use. Permits may be issued for 1) transporting water through ditch or pipeline; 2) storage in reservoirs; 3) storage in smaller (under 20 acre-feet of capacity and a dam height less than 20 feet) reservoirs for stock water, wildlife, wetlands, and fish purposes; 4) enlargements to existing ditch or storage facilities; and 5) instream flow purposes.

This Division also carries out the Safety of Dams Program for Wyoming for larger or potentially hazardous storage facilities. The State Engineer administers the State's safety of dams program which regulates the safety and structural integrity of water storage facilities in the state. On-site inspections of facilities are made and any new or rehabilitation construction plans must be reviewed and approved by the State Engineer's Office.

The Instream Flow Law, enacted by the 1986 Wyoming Legislature, provides that maintenance of stream flows for natural fisheries is considered a beneficial use. Unlike other water rights, which may be applied for by the general public, only the State of Wyoming through the Wyoming Water Development Commission may apply for an instream flow water right.

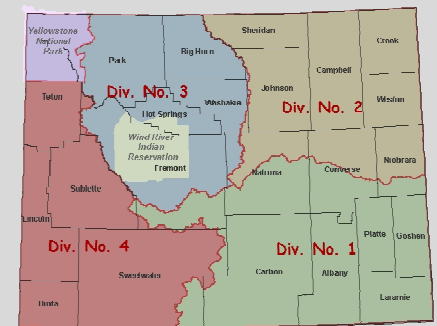
### Ground Water

By statutory authorization in 1947, the Ground Water Division began issuing appropriations for all ground water uses except stock and domestic. As of March 1, 1958, a permit was required prior to the drilling of any well except stock and domestic. By amendment effective May 24, 1969, all water wells, including stock and domestic, require State Engineer permits prior to drilling.

Three ground water management districts called Control Areas have been established in the southeast portion of the state. All applications for new wells exceeding 25 gallons per minute (gpm) (exempting stock, domestic, and miscellaneous under 25 gpm) or petitions for change of existing ground water use within the boundaries of the control areas must pass through an additional level of review involving public notice and recommendation from a 5-member elected Advisory Board prior to approval.

The State Engineer is empowered to require driller's reports, water use reports, create well spacing requirements and well construction standards, and to require wells to be sealed. The Ground Water Division maintains a statewide observation well network, conducts interference investigations, water right adjudication inspections, and reviews reports of water supply adequacy for subdivisions.

### Board of Control



*Map indicates Wyoming Water Divisions No. 1—No. 4*

Wyoming's drainages are divided into four water divisions for field administration and regulation of water rights by hydrographer commissioners. Each of these divisions is headed by a Superintendent with offices located in Torrington, Sheridan, Riverton, and Cokeville. The four Superintendents plus the State Engineer comprise the Wyoming State Board of Control.

The Board of Control is responsible for the adjudication of each permit in good-standing. The adjudication procedure includes a field inspection to assure that water is being put to a beneficial use as specified under the permit.

The Board of Control is also responsible for changes in point of diversion, changes of use, changes in the place of use, or abandonment of a water right.