

CHAPTER II

ORGANIZATION AND AUTHORITY

Section 1. Authority. The State Board of Control was created by Section 2, Article 8 of the Wyoming State Constitution, adopted by vote of the people on November 5, 1889, and approved by the United States Congress on July 10, 1890 (see also Chapter 4 of Title 41, Wyoming Statutes, 1977, especially W.S. 41-4-201, et seq.).

Section 2. Rules and Regulations.

a. W.S. 41-4-211 authorizes the State Board of Control to adopt reasonable rules and regulations to carry out the duties imposed on it by law. These regulations are promulgated pursuant to this authority.

b. These regulations shall apply to all proceedings before the State Board of Control. Persons having business before the Board are advised to also examine the previous decisions of the Board, which are published in its Order Record. The decisions sometimes contain discussions of policy, which could prove helpful in a pending matter. However, such policy statements are not to be viewed as binding precedent. The Board may adapt its policies to the situations at hand on a case-by-case basis.

Section 3. Definitions. In addition to the definitions set out in the Wyoming Administrative Procedure Act (W.S. 16-3-101 through W.S. 16-3-115) and in Title 41 of the Wyoming Statutes, the following terms are used throughout these regulations:

a. "Board" means the State Board of Control.

b. "President" means the State Engineer acting as President of the State Board of Control.

c. "Acting Chairman" means the person chosen by the Board to act for the Board as chairman in a specific manner.

CHAPTER II

d. "Superintendent" means a water division superintendent who serves as a member of the Board.

e. "Secretary" means the ex-officio secretary of the Board who is appointed by the Board in a non-voting capacity.

f. "Adjudication Officer" means the person employed by the Board who is charged with maintaining its official books and records at its office in Cheyenne. As instructed from time to time by the Board, the Adjudication Officer assists the Board in the conduct of its meetings and routine business. As reflected in the Board's minutes, the Adjudication Officer has limited authority to sign correspondence and otherwise act as the Board's agent. The Adjudication Officer may also be referred to as the Administrator of the Board.

g. "W.S." refers to the Wyoming Statutes, 1977, in their most recently enacted form. Any statutory citation, unless otherwise indicated, references the legislation enactment as amended.

Section 4. Board Composition. The State Board of Control is composed of the State Engineer and the superintendents of the four water divisions of the state. The State Engineer serves as President of the Board and is a voting member.

Section 5. Powers and Duties.

a. The State Board of Control has supervision over the waters of Wyoming and their appropriation, distribution and diversion, and of the various officers connected therewith. The Board serves as a quasi-judicial body in the adjudication of water rights, and in the consideration of contests and petitions affecting adjudicated water rights.

b. Historically, the first duty of the Board was to determine the priorities of rights to use the water flowing in the streams of Wyoming, beginning with the streams most heavily used for irrigation. This task was accomplished by a general stream adjudication for the entire state. Thereafter, the Board has continued to adjudicate surface and ground water rights under permit and to consider petitions dealing with abandonment, amendment, or change of water rights.

CHAPTER II

c. The Board is directed by W.S. 41-3-601 to divide the State into several water commissioner districts within each of the four water divisions. On recommendation of the State Engineer or the division superintendent, the Board may change the water commissioner district boundaries.

Section 6. Oaths. The members of the State Board of Control are authorized to administer oaths in all situations where to do so is necessary in the performance of their official duties (see W.S. 41-4-211).

Section 7. Seal. All certificates of appropriation and construction issued by the State Board of Control shall be signed by its President and be attested to by the Secretary over the seal of the Board. All other certificates, certifications and certified documents may be signed and sealed either by the President, Secretary, or Adjudication Officer. The Board's official seal is described as follows:

An embossed circular seal one and three quarters inches in diameter consisting of two concentric circles, the outer being one and three quarters inches in diameter, and the inner being one and three sixteenths in diameter. The space between the two circles to contain the words: "State of Wyoming Board of Control". The inner circle to contain the Great Seal of the State of Wyoming.