

## CHAPTER III

### GENERAL PROCEDURES

Section 1. Meetings. By statute, the Board holds four quarterly meetings each year. To the extent possible, these regular meetings are spaced equally throughout the year according to the following schedule:

First week in February;  
Second week in May;  
Third week in August; and  
Fourth week in November (except when it conflicts with Thanksgiving).

Special meetings may be held at other times at the call of the President or Acting Chairman after consultation with the other Board members. If a special meeting is held at the request of a private party, the costs of providing for the travel expenses of the Board members and any necessary staff assistants and legal advisors must be met by the private party (see W.S. 41-4-201).

Section 2. Quorum and Voting. A majority of the members of the Board constitute a quorum to transact business, but a decision of the Board requires an affirmative vote of three members (see W.S. 41-4-201).

Section 3. Order of Business. Meetings of the Board will generally proceed in the following manner (subject to change as necessary):

- a. Call to order;
- b. Review, correction and approval of the minutes from the last meeting;
- c. Consideration of petitions (which can include short hearings, appearances for oral argument, etc.);
- d. Consideration of proofs of appropriation and proofs of construction (ground water proofs are usually considered at the May and November meetings while surface water proofs are usually considered at the February and August meetings);
- e. Unfinished or carry-over business from the last meeting;

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- f. New business, appearances and discussion items;
- g. Adjournment.

Section 4. Books and Records. The following books and records shall be kept and shall constitute the official records of the Board, which are open to the public and available for copying (electronic versions may be available for copying if they exist):

a. Minutes - loose-leaf book to contain, in proper order, the minutes of all meetings of the Board;

b. Order Record - loose-leaf book to contain the original of all Orders entered by the Board;

c. Certificate Record - loose-leaf book to contain a copy of each certificate of appropriation of surface or ground water or certificate of construction of a reservoir issued by the Board;

d. Card Index File of the following:

(1) SURFACE WATER - a listing by water division and stream of all adjudicated water rights with the name of the appropriator, permit number, priority date, order record number, certificate record number, proof number, name of the ditch or pipeline, and such other information as may appear to be appropriate;

(2) GROUND WATER - a listing by township and range of all adjudicated ground water rights with the name of the appropriator, permit number, statement of claim or well registration number, priority date, order record number, certificate record number, proof number and the name of the well; and

(3) PETITIONS - a listing of each petition according to the source of the appropriation and the name of the petitioner;

e. File of Proofs of Appropriation Allowed, by number;

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- f. File of Rejected Proofs;
- g. An individual file folder for each petition or pending action.

Section 5. Interagency and Intra-Agency Memoranda. All files and papers of the State Board of Control not listed above in Section 4 are deemed to be interagency or intra-agency memoranda or letters not routinely made available to the public. Most of the Board's correspondence, maps and other printed materials can be made available upon written request directed to the Board at its office in Cheyenne, Wyoming. Should any requested file or paper not be provided as requested, the requestor will be provided with a written explanation.

#### Section 6. Orders and Certificates.

a. A specific order shall be entered in the Order Record upon the grant, denial or dismissal of any petition filed with the Board, and a copy of the Order shall be mailed to the petitioner. If the Board action grants an amendment in land description, an amendment to or correction of an existing certificate, a change of use, or an abandonment of a water right, a certified copy of the Order shall be recorded in the office of the county clerk of the county or counties in which the water right is located.

b. When a certificate of appropriation, amended certificate, or a certificate of construction of a reservoir is issued, the original shall be recorded in the office of the county clerk of the proper county and then forwarded to the appropriator. A copy shall be filed in the office of the Board in the Certificate Record (see W.S. 41-4-325).

Section 7. Rule Making. Rule making through the promulgation of written regulations shall be accomplished in accordance with W.S. 16-3-102 through W.S. 16-3-106.

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### Section 8. Fact Finding Hearings.

a. In exercising its rule making authority or general regulatory authority over the waters of the state, the Board may conduct fact finding hearings, pursuant to notice as required by statute for the situation involved.

b. A fact finding hearing is non-adversary in nature and no pleadings are required. Any interested persons will be afforded the opportunity to appear or otherwise make his views known to the Board. Oral and written statements may be presented without regard to the rules of evidence.

c. The Board member or other person designated as the hearing officer may adopt whatever procedures appear to be reasonable and necessary for the conduct of the hearing.

d. Persons appearing to make statements or present information are not thereby made available for cross-examination, but will be permitted to answer questions asked by the hearing officer, Board members, or any other person, provided they choose to do so. The hearing officer may limit questioning and the length of oral statements in the interest of conducting the hearing in a proper manner.

Section 9. Assistance of Attorney General. In all matters before the Board, the Attorney General may be present to assist and advise the Board.