

CHAPTER VII

APPEALS AND DISTRICT COURT CERTIFICATION

Section 1. Judicial Review. Any final decision and order of the State Board of Control may be appealed to the district court for the county wherein the original action arose. Judicial review is authorized by W.S. 16-3-114, and is governed by the Wyoming Rules of Appellate Procedure as most recently amended by the Supreme Court of Wyoming. An appeal may not be initiated until after the Board's order has been entered in the Order Record.

Section 2. Concurrent and Primary Jurisdiction. At times the State Board of Control and the district court may have concurrent jurisdiction to hear a matter in controversy. Where a water right matter is involved, the Board's jurisdiction may be primary, or the district court judge may decide that the Board is better qualified to hear the case. When a civil action is filed in the district court but the judge decides that the Board should make the factual determinations, the Board shall hear and decide all matters certified to it by the district court as if the matter had come before the Board in the first instance. If the judge's instructions to the Board so require, the Board's decision shall be re-certified back to the district court for its review. If the instructions do not require the Board to make a report, judicial review of the Board's decision is authorized under W.S. 16-3-114.

Section 3. Certification to the District Court. Upon an affirmative vote of the Board, it may certify a question to the district court to resolve a matter which is outside of the Board's jurisdiction, but which must be resolved in order for the Board to make a decision regarding a petition or other proper business. A question to be certified to the district court shall be signed or attested to by the Secretary of the Board over the Seal of the Board.